Exhibit 170

ROBERT ZEIDMAN   August 16, 2023
SMARTMATIC, ET AL. V. LINDELL, ET AL.

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IN THE UNITED STATES DISTRICT COURT
FOR THE STATE OF MINNESOTA
---oOo---
SMARTMATIC USA CORP., SMARTMATIC :
INTERNATIONAL HOLDING B.V., AND :
SGO CORPORATION LIMITED,   :
                                         :
            Plaintiffs,   :
                                         :
        vs.   : No.
                       : 22-cv-0098-WMW-JFD
MICHAEL J. LINDELL and MY   :
PILLOW, INC.,   :
                                         :
                                         :
            Defendants.   :
_____ :

REMOTE VIDEO-RECORDED
DEPOSITION OF ROBERT ZEIDMAN
August 16, 2023

Job No. J10104683
Stenographically reported by:
LAURA AXELSEN
CA CSR NO. 6173
NV CCR 990
RMR, CCRR, CRR, CRC

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1   IN THE UNITED STATES DISTRICT COURT
2   FOR THE STATE OF MINNESOTA
3   ---oOo---
4   SMARTMATIC USA CORP., SMARTMATIC :
     INTERNATIONAL HOLDING B.V., AND :
5   SGO CORPORATION LIMITED,   :
                                             :
6   Plaintiffs,   :
                                             :
7   vs.   : No.
                         : 22-cv-0098-WMW-JFD
8   MICHAEL J. LINDELL and MY   :
     PILLOW, INC.,   :
                                             :
9   :
            Defendants.   :
10   _____ :
11   BE IT REMEMBERED THAT, pursuant to Notice of
12   Subpoena and on Wednesday, August 16, 2023, at
13   10:00 a.m. thereof at 2300 W. Sahara Boulevard, Las
14   Vegas, Nevada, before me, LAURA AXELSEN, a Certified
15   Shorthand Reporter, personally appeared
16   ROBERT ZEIDMAN,
17   Called as a witness by the plaintiff.
18   ---oOo---
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1   APPEARANCES
2
3   FOR THE PLAINTIFF:
4
5   BENESCH, FRIEDLANDER, COPLAN & ARONOFF, LLP
6   BY: MAURA LEVINE-PATTON, ESQ.
7   71 South Wacker Drive, Suite 1600
8   Chicago, Illinois 60606
9
10   FOR DEFENDANT MYPILLOW:
11
12   PARKER DANIELS KIBORT
13   BY: ALEC BECK, ESQ.
14   888 Colwell Building
15   123 North Third Street
16   Minneapolis, Minnesota 55401
17
18   There also being present Timothy Frey, Esq.
19   and Andrew Jones, the videographer.
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21   ---oOo---
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14   ---oOo---
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1   VIDEOGRAPHER: Good morning. This is Disc
2   No. 1 to the video recorded deposition of Robert
3   Zeidman in the matter of Smartmatic U.S.A.
4   Corporation, et al. versus Michael J. Lindell, et
5   al. Being heard before the United States District
6   Court District of Minnesota, Case No.
7   22-cv-0098-WMW-JFD.
8   This deposition is being held at 2300 West
9   Sahara Avenue in Las Vegas, Nevada, 89102, on
10   August 16th, 2023, at 10:01 a.m. My name is
11   Andrew Jones. I am the videographer. The court
12   reporter is Laura Axelsen.
13   Counsel, will you please introduce
14   yourselves and affiliations and then the witness
15   will be sworn.
16   MS. LEVINE-PATTON: Maura Levine-Patton on
17   behalf of plaintiffs.
18   MR. FREY: Tim Frey on behalf of
19   plaintiffs.
20   MR. BECK: Alec Beck for defendant
21   MyPillow.
22   ROBERT ZEIDMAN
23   having been duly sworn/affirmed
24   under penalty of perjury
25   testified as follows:

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1   EXAMINATION BY MS. LEVINE-PATTON
2   MS. LEVINE-PATTON: Q. Good morning,
3   Mr. Zeidman.
4   A. Good morning.
5   Q. We met briefly earlier, but my name is
6   Maura Levin Patton. I represent Smartmatic in
7   litigation that was filed against Mr. Lindell and
8   MyPillow. I'm going to be asking you some questions
9   today regarding the data that Mr. Lindell provided
10   to you at the cyber symposium in connection with the
11   Prove Mike Wrong Challenge. We understand that you
12   have a unique perspective on the data and the events
13   that ensued after the cyber symposium, and we're
14   just going to be just focusing on that.
15   Before we begin, can you state and spell
16   your name for the record?
17   A. Robert Zeidman, R-o-b-e-r-t, Z, as in
18   zebra, e-i-d, as in David, m-a-n.
19   Q. And where do you live, Mr. Zeidman?
20   A. Las Vegas, Nevada.
21   Q. So I understand that you've given
22   deposition testimony several times before today.
23   Given that you've served as an expert witness, can
24   you tell me approximately how many times you've been
25   deposed?

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1   A. As an expert witness, I believe it's
2   around 65 or 70 times. As a fact witness, probably
3   five, six times.
4   Q. Okay. Do you recall the first time you've
5   been deposed as a fact witness?
6   A. I'm assuming when I was a plaintiff in a
7   case, my deposition is considered a fact witness
8   deposition. Probably the first time was about 15
9   years ago, that I can recall.
10   Q. And what case was that?
11   A. I had a case against a contractor. There
12   were two cases against contractors that worked on my
13   house. One was the inspector for my house in
14   California. I think that -- well, I think that was
15   the first -- I think that was the first time I was
16   deposed as a fact witness.
17   Q. And then there were four other times that
18   you've been deposed as a fact witness?
19   A. Roughly.
20   Q. Were those also cases where you were the
21   plaintiff?
22   A. Yes.
23   Q. In matters -- what was the subject matter
24   of those cases?
25   A. To the best I can recall, there was the

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1   one against a home contractor -- well, sorry. The
2   first one was against a home inspector when we
3   purchased our house. The second time that I recall
4   was against a home contractor when we had our house
5   fixed. Actually, there was a -- well, and then I
6   think maybe just three because the third one would
7   be in my case against Mr. Lindell and MyPillow. I
8   was a plaintiff in a couple of other cases, but I
9   don't recall that there was a deposition.
10   Q. Do you recall approximately how long ago
11 the contractor case was?
12   A. That was about maybe 10 years ago.
13   Q. And do you recall how long ago the
14 inspector case was?
15   A. That was about 15 years ago.
16   Q. And the Mr. Lindell case was relatively
17 recently?
18   A. Yes.
19   Q. Are there any other cases where you've
20 been deposed as a fact witness that you can recall?
21   A. Again, I've been involved in -- I was a
22 plaintiff in at least two cases I recall. Estate
23 matters. I was a defendant in at least one business
24 case, but I don't believe that I was deposed in
25 those cases. At least, I can't recall a deposition

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1   in those cases.
2   Q. So although you've given deposition
3   testimony before, I'm going to refresh you on just
4   some of the rules and the protocols that we're going
5   to follow during this deposition. First, I ask that
6   you allow me to finish my question before you
7   provide your answer, and I'll try my hardest not to
8   speak over you.
9   Do you agree to speak one at a time?
10   A. Yes.
11   Q. And then for Laura, the court reporter's
12 sake, all of your answers must be verbal as opposed
13 to nodding your head or saying hm-hmm.
14   Do you agree to provide verbal answers to
15 my questions?
16   A. Yes.
17   Q. If you do not understand a question, you
18 can ask me to clarify it. Will you agree to do that
19 if you do not understand a question?
20   A. Yes.
21   Q. During my examination, counsel may object.
22 Unless you're instructed not to answer, you are
23 required to answer the question even after he
24 objects.
25   Do you agree to do that?

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1   A. I do, but I'd like to say that I've been
2   in very few depositions, but occasionally
3   depositions where they delve into matters that are
4   outside -- in my understanding, outside the scope of
5   the matter at hand, and I'd like to reserve the
6   right to object to those and not answer those
7   myself.
8   Q. Understood. We can cross that bridge if
9   we come to it.
10   If you need a break at any time, just let
11 me know. I only ask that you answer any questions
12 that are pending on the record before we take a
13 break.
14   Do you agree to do that?
15   A. Yes.
16   Q. Are you taking any medication today that
17 would prevent you from providing accurate testimony?
18   A. No.
19   Q. And do you know of any other reason that
20 would prevent you from providing accurate testimony?
21   A. No.
22   Q. Did you speak with anyone today, other
23 than an attorney that represents you, to prepare for
24 today's deposition?
25   A. No.

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1   Q. Did you review any documents on your own
2   to prepare for today's deposition?
3   A. No.
4   MS. LEVINE-PATTON: We're now going to
5   introduce what will be marked as Exhibit 314.
6   (EXHIBIT 314 WAS MARKED FOR
7   IDENTIFICATION.)
8   MS. LEVINE-PATTON: Q. This is your
9   notice of subpoena in this matter. Do you recall
10 receiving this document?
11   A. Yes, I do.
12   Q. And when you received this, did you
13 understand that Smartmatic was requesting that you
14 produce documents in your possession, custody, or
15 control in connection with this litigation?
16   A. Actually, I do recall receiving a
17 subpoena, but I only -- I think I only received one
18 page of the subpoena. I don't recall getting the
19 pages which asked me to bring in documentation.
20   Q. Were you represented by Cary Joshi in
21 connection with your correspondence with us?
22   A. Yes.
23   Q. And are you aware whether Ms. Joshi
24 accepted service of a document subpoena in this
25 matter?

3 (Pages 9 to 12)

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1   A. That's my understanding.
2   Q. And then in response to that subpoena,
3 you, via Ms. Joshi, produced a series of documents.
4   Do you know -- are you aware of that?
5   A. I believe Ms. Joshi may have mentioned
6 that to me. I just know she told me that I didn't
7 have to worry about bringing any documents.
8   Q. Got it. And you were aware that you were
9 also subpoenaed to sit for a deposition today?
10   A. Yes.
11   MS. LEVINE-PATTON: So now we're going to
12 show you what will be marked as Exhibit 315.
13   (EXHIBIT 315 WAS MARKED FOR
14   IDENTIFICATION.)
15   MS. LEVINE-PATTON: Q. This is a
16 transcript of the first day of your arbitration
17 against Mr. Lindell. It includes your arbitration
18 testimony. Are you aware that this was produced in
19 connection with your subpoena in this litigation,
20 the Smartmatic litigation?
21   A. Well, I know that Ms. Joshi told me she
22 would produce whatever needed to be produced from
23 the litigation -- from my litigation. And I
24 understand this is publicly available, this
25 transcript.

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1   Q. And were you under oath when you testified
2 at the arbitration?
3   A. Yes, I was.
4   Q. You agreed to tell the truth to everything
5 that you were asked?
6   A. Yes.
7   MS. LEVINE-PATTON: We're now going to
8 enter Exhibit 316.
9   (EXHIBIT 316 WAS MARKED FOR
10   IDENTIFICATION.)
11   MS. LEVINE-PATTON: Q. This is your
12 updated deposition subpoena. Have you ever seen
13 this document?
14   A. When you asked me previously if I'd seen
15 the subpoena, this is the subpoena that I recall
16 receiving.
17   Q. Got it. And you're aware Ms. Joshi
18 accepted service on your behalf for this subpoena?
19   A. Yes.
20   Q. And this is a subpoena to sit for a
21 deposition today?
22   A. Yes.
23   Q. So you are present today pursuant to both
24 Exhibits 314 and Exhibits 316?
25   A. Yes.

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1   MS. LEVINE-PATTON: Okay. We're now going
2 to enter what will be marked Exhibit 317.
3   (EXHIBIT 317 WAS MARKED FOR
4   IDENTIFICATION.)
5   MS. LEVINE-PATTON: Q. This is Bates
6 stamped Zeidman-Lindell 042569. This is a copy of
7 your résumé, and this is 34 pages. We don't have to
8 talk about the whole thing, but I just want to get a
9 sense of your expert credentials.
10   So we're first going to direct your
11 attention to page 24, where it says education. You
12 attended undergraduate school at Cornell?
13   A. That's correct.
14   Q. You graduated in 1981?
15   A. Yes.
16   Q. Your degrees were in physics and
17 electrical engineering?
18   A. Yes.
19   Q. Was that a dual major?
20   A. Dual degree. Slightly different than a
21 dual major because I got a degree from two different
22 schools.
23   Q. What was the other school?
24   A. Well, so one was school of engineering.
25 One was school of arts and sciences.

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1   Q. So you were in a Bachelor of Arts?
2   A. And a Bachelor of Engineering.
3   Q. Understood. And then you attended a
4 graduate school program?
5   A. Yes.
6   Q. You earned your Master of Science in
7 electrical engineering?
8   A. Yes.
9   Q. And that was in 1982?
10   A. Yes.
11   Q. From Stanford University?
12   A. Yes.
13   Q. Did you take any classes regarding
14 computer science when you were in graduate school?
15   A. Actually, I think I only took one class in
16 computer science in graduate school. Technically --
17 well, I took classes in computer engineering and
18 electrical engineering, which in many schools is
19 combined with computer science. But with regard to
20 software and programming, that was separate at
21 Stanford, and I think there was only one class that
22 I took in that field.
23   Q. I'd like to look at your employment
24 history briefly. This starts on page three of your
25 résumé with Signetics Corporation.

4 (Pages 13 to 16)

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 1      A.  Yes.
 2      Q.  Was that your first employment following
 3  graduate school?
 4      A.  Yes.
 5      Q.  And then it looks like you were an
 6  engineer at several companies in the 1980s; is that
 7  right?
 8      A.  That's correct.
 9      Q.  What type of engineering were you
10  performing?
11      A.  At Signetics, I was designing integrated
12  circuits or computer chips.  At ROLM Corporation, I
13  was, again, designing computer chips, but also
14  writing what's called firmware, which is low level
15  software.  At American Supercomputers, I was, again,
16  designing computer chips, but also I wrote a
17  what's -- I wrote software to do what's called a
18  behavioral simulator of circuits of computer chips.
19  At Telestream, I was designing chips and systems,
20  physical systems circuit boards.
21          Then at Stanford, I had a consulting job
22  at Stanford University working on a -- what's called
23  a neurological network memory.  I was basically
24  supervising the design of circuit boards, you know,
25  and the 1980s was -- included I think where I was
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 1  consulting at ICO Systems where I was designing
 2  systems -- communication systems.
 3      Q.  Were these --
 4      A.  And I should say and controller embedded
 5  systems and communication systems.
 6      Q.  And were these all technology companies?
 7      A.  Yes.
 8      Q.  It says that in -- from 1982 to 1988 you
 9  worked at eVault Remote Backup Service.  You were
10  the founder and the president.  What is eVault
11  Remote Backup Service?
12      A.  E-Vault was a -- the very first remote
13  back-up service, which would allow customers using a
14  modem over the phone lines to automatically back up
15  their critical files to a server that I maintained,
16  and I wrote that entire system, the software for
17  that system myself, and maintained the company.
18      Q.  So that was computer software that you
19  wrote?
20      A.  Yes.
21      Q.  And then it looks like in the 1990s you
22  were a consultant for several large and well-known
23  companies that include Cisco systems?
24      A.  Yes.
25      Q.  Hitachi?
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 1      A.  Yes.
 2      Q.  Apple?
 3      A.  Yes.
 4      Q.  And in the early 2000s you then founded
 5  Zeidman Technologies?
 6      A.  Yes.
 7      Q.  What does Zeidman Technologies do?
 8      A.  Zeidman Technologies officially closed
 9  this year, but it had a technology for -- it was
10  software that automatically generated other
11  software, specifically what's called a realtime
12  operating system.  So a user could specify some
13  parameters within other code and this tool would go
14  through other code, find those parameters, and
15  rewrite the code to create a system that could
16  operate on its own.  That's simplification.  I don't
17  think you want the details of it.
18      Q.  It sounds complicated.  So you developed
19  the software tools for that project?
20      A.  Yes, I -- I developed the concept.  I
21  filed the patents.  I wrote the prototype myself,
22  and then I hired people to turn the prototype into a
23  commercial product.
24      Q.  So you're also the company founder and
25  president of Software Analysis and Forensic
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 1  Engineering Corporation.  What is that company?
 2      A.  So that company provides software
 3  forensics tools, specifically the main product is
 4  called CodeSuite.  CodeSuite is used typically in
 5  intellectual property disputes, software
 6  intellectual property disputes, to compare a
 7  software from two different parties to determine if
 8  one was copied from another.
 9      Q.  So you wrote computer software in that
10  capacity -- in that role as well?
11      A.  Yes.  I wrote the initial tool and
12  continued to develop it over the past 20 years or
13  so.  I brought some people on to -- at various
14  phases to add features or maintain the tool, but at
15  this point, I'm the one who maintains it.
16      Q.  Mr. Zeidman, approximately how many times
17  have you written computer software?
18      A.  Really hard to say.  I started writing
19  software about 50 years ago when I was in middle
20  school, and the reason I never took many classes --
21  I think I've taken two computer science classes.  By
22  the time I got to college, I'd already written a
23  full operating system that won a national award, and
24  I thought I didn't need to take any more classes in
25  computer science.
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1   Q. Wow. Did you earn any patents?
2   A. I currently have 28 patents, 28 issued
3   patents. I think 27 of them are software patents or
4   have some software aspect to them.
5   Q. Have you ever heard the term Internet
6   packet data?
7   A. Yes.
8   Q. What is your definition of the term
9   Internet packet data?
10   A. Well, packet data are small chunks of data
11   that are used to efficiently send information over a
12   network. Internet packet data would be specifically
13   packet data that travels the Internet as opposed to,
14   for example, a company's local network.
15   Q. Have you ever worked with Internet packet
16   data through your employment experience?
17   A. Many times, yes.
18   Q. In what position? In what employment
19   positions or what companies?
20   A. Let's see. I think first was at David
21   Systems, which is at the bottom of page two. So at
22   David Systems, their key technology was sending
23   packets -- network packets over a phone system. So
24   they had designed a phone system, so let's say they
25   were called PBXs, private branch exchanges, but they

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1   were systems that a company could have to control
2   the input and output to all of the extensions within
3   the -- within a building or within a company.
4   And David Systems had figured out how to
5   send ethernet data, which is the most common
6   networking -- type of network -- the most common
7   type of network. They figured out how to put -- to
8   send ethernet packets over these phone systems. So
9   they had developed that, but I was called in as a
10   consultant because they had a big project to design
11   a system for Alcatel in France. And Alcatel had
12   certain requirements, and the company was going
13   through certain changes. So they brought me in to
14   design some chips and to supervise the project. So
15   that was David Systems.
16   With my remote back-up company, eVault, I
17   had to have some understanding -- let me take that
18   back. Actually, that worked over a phone system.
19   The later systems worked over networks, but that
20   worked over a phone system. It didn't really
21   involve packets. It was a similar kind of
22   technology, but I shouldn't call it packets.
23   But Wireless Access, I was a consultant on
24   a chip that had to connect to a network and send
25   packets. Adaptive Video was a network-based

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1   imaging -- medical imaging system, and, in fact, I
2   designed the hardware, but I eventually got involved
3   in the software, which connected over the network.
4   And then of course Cisco Systems is where I got most
5   of my experience where I actually designed
6   simulators for switches, hubs, and routers. These
7   are devices that send packets. They control packet
8   switching.
9   So in other words, if -- you know, if
10   you're on your computer and you're sending something
11   to someone else on their computer, it goes through
12   switches and hubs and routers throughout the world.
13   Cisco, at the time, was the largest seller of these
14   kinds of devices, and I worked on the Catalyst --
15   well, okay. Let me take that back.
16   This was pre-Catalyst. The reason I know
17   that, Catalyst was their most successful product
18   during the '90s. If you go -- oh, it doesn't have
19   it here because I don't have all my consulting work
20   here. Because I worked for a company called
21   Crescendo Systems.
22   The founders of David Systems -- as I
23   mentioned, David Systems was going through some
24   changes when they hired me. The engineering team
25   had quit, which is why they brought me on to finish

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1   this project, but the engineering team -- I got to
2   know them before they quit, and they started
3   Crescendo Systems, and Crescendo Systems was
4   building a high speed router. They brought me on as
5   a consultant on a small side project they had, which
6   was a multi-port router, which became the reason
7   that Cisco bought them, and that became the Catalyst
8   router.
9   And, again, as I said, the Catalyst was
10   Cisco's most successful product. So, interestingly,
11   at Crescendo I worked on what became Cisco's most
12   successful product.
13   Q. Is it safe to say that you'd recognize
14   Internet packet data if you saw it?
15   A. Yes, I've had to understand it very much
16   to simulate it, to build hardware, to deal with it.
17   I actually haven't gone over all the projects I
18   worked on, but that was a major part of my work was
19   hardware and software for understanding packets.
20   In fact, one -- just one other thing I'll
21   mention is at Zeidman Technologies, which you
22   mentioned, I had software that I patented called
23   Molasses. Molasses was a fully -- full software
24   solution to -- there was a problem -- again, I don't
25   need to go into the details unless you want to hear

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1 it, but there was a problem in a particular
2 industry, the electronic design automation industry,
3 and everyone thought that you had to have a hardware
4 solution, a very, very expensive hardware solution
5 to this problem about slowing down network traffic.
6   But I actually realized you could do it
7 with a simple personal computer and software, and I
8 wrote the software and sold the product to several
9 different companies over a seven-year period and got
10 one patent in the technology, and I believe six,
11 seven, or eight other patents that were
12 continuations or continuations in part of that
13 technology. And that required me to understand the
14 packet data because I had to take in packets, my
15 software had to take in packets, actually modify
16 them on the fly, and then send them out again.
17   Q. Have you ever heard the phrase advanced
18 packet sniffing?
19   A. Well, I know packet sniffing.
20   Q. What is your definition of packet
21 sniffing?
22   A. So packet sniffing is basically recording
23 packets on a network. My Molasses technology that I
24 patented actually modified the packets on the fly.
25 So in other words, packet sniffing is typically

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1 recording packets, but my software could take in a
2 packet, modify it, make it look like it came from
3 somewhere else, and then send it on its way.
4   Q. So your résumé shows that one of your
5 current positions is at Zeidman Consulting where
6 you're the founder and president. What does Zeidman
7 Consulting do?
8   A. Zeidman Consulting started out being me
9 designing hardware and software on a contract basis
10 for various companies. It's now mostly litigation
11 support, doing forensics. So taking apart or
12 reverse engineering hardware and software to
13 determine whether any IP infringement occurred and
14 then writing a report and testifying in court. And
15 I have -- I've trained people to do that, and I
16 subcontract out work as needed.
17   Q. Approximately, how many employees do you
18 have?
19   A. I currently have two, me and my wife, but
20 I have a network of consultants. I'd say there are
21 three -- there are -- well, there are about five or
22 six that I use on a regular basis, and I've trained
23 close to 60 people in my methods and tools.
24   Q. So do you consult on IP infringement that
25 has to do with forensic computing?

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1   A. Well, I wouldn't -- the technique is
2 forensics. You know, we work on computing. We work
3 on hardware and software. A lot of what we do is
4 looking at software. So I would call -- the
5 forensics is the examination and presentation in
6 court, but we look at all kinds of machines in
7 various industries and various technologies.
8   Q. Got it. It looks like you've done a fair
9 amount of litigation consulting from your résumé.
10 Approximately, how many times have you been hired as
11 an expert witness in legal matters?
12   A. As a -- well, I'll say as a consultant to
13 legal matters, I've been hired just over 260 times.
14 As a testifying expert, probably roughly 200 times.
15 The first few -- the first -- probably the first 20
16 or 30 times I was just consulting on a team of
17 people, not testifying.
18   Q. And approximately how many expert reports
19 have you written?
20   A. Over 200.
21   Q. And do you work on software copyright
22 cases?
23   A. Yes.
24   Q. And software trade secret cases?
25   A. Yes.

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1   Q. And patent cases as well?
2   A. Yes, software and hardware.
3   Q. What subject matter have you been
4 qualified as an expert in?
5   A. Let me put it this way. There's --
6   MR. BECK: I'll object to the form of
7 question with respect to being qualified as an
8 expert. Go ahead, please.
9   THE WITNESS: So the technologies I've
10 testified on range from medical equipment to
11 breathalyzers, to networking equipment to game --
12 gaming software. There's -- there's no kind of
13 hardware or software that I've ever been excluded
14 from working on. Mainly because the technology --
15 at the very basic level, the technology is the same.
16 It's mostly the use of the technology that differs
17 from machine to machine.
18   MS. LEVINE-PATTON: Q. Have you been
19 qualified as an expert in federal court before?
20   A. Yes.
21   Q. Approximately, how many times?
22   A. I would say at least a hundred times. I
23 don't know how many more than that.
24   Q. Have you been qualified as an expert in
25 state court?

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1   A. Yes.
2   Q. Approximately, how many times?
3   A. I would say at least 50 times.
4   Q. Have you been qualified as an expert by
5 the International Trade Commission?
6   A. Yes.
7   Q. And have you been hired by both plaintiffs
8 and defendants?
9   A. Yes.
10   Q. Have you ever -- have you been hired by
11 different law firms?
12   A. Yes, many different law firms.
13   Q. Is that all over the country?
14   A. All over the world.
15   Q. Have you ever analyzed computer files as
16 an expert witness before?
17   A. Yes.
18   Q. Approximately how many times?
19   A. Probably 260 times.
20   Q. I'm going to talk about -- I'd like to
21 talk about some of the awards that you've earned.
22 It looks like you've earned multiple awards as an
23 outstanding engineer for forensic software analysis.
24 Who gave you this award?
25   A. That was the IEEE, the Institute of

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1 Electrical and Electronics Engineers.
2   Q. How do you earn that?
3   A. Not quite sure. It's -- somebody
4 recommends you based on your work, and then it goes
5 to a committee and the committee reviews -- I assume
6 they review my work or my credentials. It's not --
7 I'm not aware that they publicly go through the
8 process, and then I'm notified that I was given an
9 award.
10   Q. When you say somebody recommends you, it's
11 peers in your field?
12   A. Yes.
13   Q. You were also given awards for cybernetics
14 and informatics; is that right?
15   A. If you show me the page of my C.V. --
16   Q. Yeah, I'm sorry.
17   A. I just want to remember which one in
18 particular.
19   Q. I'm on page 21 of your C.V.
20   A. And which number is that?
21   Q. I'm looking at number six, Session's Best
22 Paper Award.
23   A. Okay. Okay. That was a conference. The
24 conference -- it was a worldwide conference on
25 systemic cybernetics and informatics. I don't

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1 remember -- I just remember that I submitted a
2 paper. The paper was accepted. I gave a talk at a
3 conference somewhere in the world. I'd have to go
4 back -- it might have been India, and then the
5 attendees of the conference would vote on the best
6 paper and mine was voted best paper.
7   Q. And what is cybernetics and informatics,
8 just generally?
9   A. Generally, it refers to computer
10 information and computer manipulation of
11 information.
12   Q. You've also been awarded for software
13 development; is that true?
14   A. I think -- there was the Jolt Reader's
15 Choice Award for a book I wrote from software
16 development magazine, if that's what you're
17 referring to, or I received two Jolt awards.
18   Q. And what are Jolt awards?
19   A. Jolt was a magazine that doesn't exist
20 anymore, unfortunately, but it was a -- it came
21 from -- there was a super caffeinated cola called
22 Jolt, but this was put out by software development
23 magazine. They produced awards for books and
24 software and anything having to do with software
25 development. I don't recall. I think they had a

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1 panel of judges who would judge different products,
2 and so I received an award -- two awards for two
3 books that I wrote on software. One was really on
4 hardware development, and one was for my book on
5 software forensics.
6   Q. Do you know how you earned this award?
7   A. All I recall is that I think there was a
8 panel of esteemed judges. I don't know who they
9 were, and they would go over all the entries and
10 decide which ones deserved awards.
11   Q. I'm now on page 23 of your résumé. You
12 have a list of special knowledge and skills at the
13 bottom of the page. It shows that you've listed
14 software code analysis and synthesis. What does
15 synthesis mean in this context?
16   A. Synthesis means taking a description and
17 automatically generating software code from it. So
18 you mentioned we discussed Zeidman Technologies. I
19 had a tool called SythOS, which had -- there was a
20 family of seven patents that I filed, and it was a
21 product that I sold through Zeidman Technologies,
22 and that would automatically generate software code
23 based on specifications.
24   Q. You've also listed that you have skills in
25 various computer architectures. What does it mean

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1   to be an expert in computer architecture?
2   A.   So different computer processors are
3   designed in different ways is the simplest way to
4   say it, and the processors that I've listed there
5   are all processors that I've either developed
6   software for -- let me say that these days, when you
7   develop software, the architecture of a processor is
8   typically hidden from the software developer, but
9   30, 40, 50 years ago you had to write software that
10   specifically -- to a specific computer architecture.
11   In other words, you would have to
12   understand the features of the processor in order to
13   write software for it, and so these are processors
14   that I all wrote software for or -- and also --
15   also, in many cases, interfaced these processors to
16   hardware in which case you need to know the
17   architecture, and by architecture I mean the
18   internal features, the internal workings of them.
19   Q.   On the next page, it shows that you are an
20   expert in networking protocols. What does that
21   mean?
22   A.   Well, we discussed packets.
23   Q.   Uh-huh.
24   A.   As far as I recall, every networking
25   protocol uses some kind of packet, but the packets

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1   are -- have different formats. The most common one
2   now though is what's called the ethernet packet.
3   The Internet works on ethernet packets. Although
4   you can -- a gateway is a device -- for example, I
5   mentioned I worked on gateways. They will transform
6   packets from one format to another. But
7   basically -- and different networks transmit the
8   packets in different ways.
9   But I'm familiar with these -- I'm
10   particularly familiar with ethernet, which is by far
11   the most common system for transmitting packet data
12   on a network. But I'm also familiar with -- I was
13   familiar with ATM. ATM, in the '90s, was going to
14   be the next -- was going to replace ethernet. A lot
15   of companies were certain it was going to replace
16   ethernet, but, like Betamax, was expected to replace
17   VHS tapes. It never happened. ATM never replaced
18   ethernet.
19   MR. BECK: That analogy might be lost on
20   these two.
21   THE WITNESS: That's true. I realize
22   that. I don't know. As soon as it came out, I
23   realized not everyone might understand that.
24   MS. LEVINE-PATTON: Q. So you're also an
25   expert in several software programming languages; is

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1   that true?
2   A.   Yes.
3   Q.   And you're an expert in several operating
4   systems?
5   A.   Yes.
6   Q.   Okay. I'm going to move on to your
7   scholarship, which starts at page 24. It looks like
8   here you've got 11 books and 108 papers or
9   presentations. Is that up-to-date?
10   A.   No, there have been a few more. Actually
11   gave two presentations at the Star Trek convention
12   here in Las Vegas on intellectual property, but --
13   and there might be -- there might be some others
14   missing, but this is fairly up-to-date, I think.
15   Q.   And then if we look at page 31, it shows
16   that you are the named inventor of 26 patents. I
17   think earlier you mentioned 29. So is that missing
18   a few patents?
19   A.   Right. It's now at 29.
20   Q.   And 28 of those patents are in computer
21   software?
22   A.   Yes, they were involved. They involve
23   computer software.
24   Q.   We're going to switch gears a little bit.
25   So you're familiar Mr. Mike Lindell?

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1   A.   Yes.
2   Q.   How did you first come to know of
3   Mr. Lindell?
4   A.   I'm sure it was for his commercials for
5   MyPillow.
6   Q.   And have you ever spoken with Mike
7   Lindell?
8   A.   I don't think I've ever spoken directly
9   with him.
10   Q.   We're going to talk about your experience
11   at the cyber symposium, which was hosted by Mike
12   Lindell in August of 2021. When did you first hear
13   about the cyber symposium?
14   A.   I think it was probably around June of
15   2021.
16   Q.   And how did you hear about it in June?
17   A.   All that I can recall is that some podcast
18   or news report mentions something about it. It
19   might have been on the Jamie Glazov podcast.
20   Q.   Who is Jamie Glazov?
21   A.   Jamie Glazov is a person who has a
22   podcast. He interviews people. Among others, he
23   does -- he had done a number of interviews with Mike
24   Lindell. Jamie Glazov actually invited me on his
25   podcast about -- about 10 years ago when I written a

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1   book, a novel, that interested him. So we had a
2   podcast with two other people, who -- one was a
3   friend of mine. One has become a friend of mine.
4   Q. So Mr. Glazov was talking about the cyber
5   symposium on his podcast and that's how you first
6   heard about it; is that right?
7   A. I know that I heard about it on his
8   podcast. I can't say for sure that's the first
9   place I heard about it.
10   Q. And did you attend the cyber symposium?
11   A. Yes.
12   Q. Was that from August 10 through August 12,
13   2021?
14   A. Yes.
15   Q. Did you attend all three days?
16   A. Yes.
17   Q. How did you come to attend the cyber
18   symposium?
19   A. Friends of mine told me that I should go.
20   And after a while they convinced me that it would be
21   an interesting experience, and I e-mailed Jamie
22   Glazov and said can you get me invited, because I
23   understood you had to be invited, and he wrote back
24   that -- well, actually I received something from
25   what -- I think was Lindell Management or one of

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1   Mr. Lindell's companies saying that I had been
2   invited, and it had a room reservation for me.
3   Q. What information did you need to supply in
4   order to be invited to attend?
5   A. I don't remember supplying anything. I'd
6   heard that you needed to be qualified to be a cyber
7   expert. In other words, to be a cyber expert,
8   allegedly, there was some kind of qualification
9   requirement. I don't know if -- you know, if -- if
10   my name was put through some kind of process or not.
11   People know my reputation. My friends know my
12   reputation. I think Jamie Glazov knows it.
13   So I don't know if there really was a
14   qualification process, but it's also possible that
15   they just knew me and decided that I met the
16   qualifications.
17   Q. And were you given cyber security
18   credentials when you came to the cyber symposium?
19   A. Yes.
20   Q. Did you bring your own computer to the
21   cyber symposium?
22   A. Yes.
23   Q. Did you bring any other technical
24   equipment with you?
25   A. I think just my computer and some flash

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1   drives.
2   Q. And what was the first thing you did when
3   you arrived at the cyber symposium?
4   A. I checked in. I was given a hot pink dot
5   that -- for my badge. I was given a badge and a hot
6   pink dot to put on the badge to show that I was a
7   cyber expert, and then I was directed to a room that
8   had a guard who checked for the dot on my badge and
9   then let me in.
10   Q. So when you first heard of the cyber
11   symposium, is that the same time that you learned
12   about the Prove Mike Wrong Challenge?
13   A. I would say in January of 2021, I had
14   heard that Mr. Lindell claimed he had proof of voter
15   hacking. The -- when I heard notice of the
16   symposium, I also heard Mr. Lindell talk about the
17   five-million-dollar challenge. I don't think I had
18   heard a name for it, but I just heard there was a
19   five-million-dollar challenge, and it was when I got
20   to the symposium that I was handed a form to sign
21   which said these are the rules of the Prove Mike
22   Wrong Challenge.
23   Q. And what did you think the purpose of the
24   Prove Mike Wrong Challenge was?
25   A. Well, initially, before I got the

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1   paperwork, I thought if you could prove that the
2   votes or the voting machines were not hacked and the
3   vote was not corrupted in the 2020 -- November 2020
4   presidential election that you would win five
5   million dollars. When I received the agreement to
6   sign, the restrictions were much narrower or the,
7   let's say, the goal of the prize was much narrower.
8   And that was to simply prove that the data had no
9   relation to the 2020 election.
10   Q. Did you enter the Prove Mike Wrong
11   Challenge?
12   A. I did because I was told that I couldn't
13   see the data without signing the forms.
14   Q. And when you entered the challenge, did
15   you believe you would be able to succeed?
16   A. No.
17   Q. Why is that?
18   A. Because three days is not enough time to
19   examine data, typically. It could be a very
20   complicated process. Sometimes there's a team of us
21   working for weeks. Sometimes even months. I also
22   thought that Mr. Lindell -- my understanding is that
23   his own team had already validated the data, and
24   also because the challenge was not to show whether
25   or not hacking had occurred, but whether the data

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1   was related to the election, I assumed from the
2   start the data was related to the election.
3   Q. You said Mr. Lindell's own team. Did you
4   know who was on that team?
5   A. No.
6   Q. Did you ever learn who was on that team?
7   A. I did.
8   Q. And who was that?
9   A. Well, there was Josh Merritt, Doug Frank,
10   Todd Sanders. It's a little unclear. During my
11   arbitration against Mr. Lindell, it was never clear
12   who else was on that team. There was Kurt Olsen,
13   Phil Waldren. I can't remember his real name.
14   Somebody who goes by Code Monkey Z -- Watkins. I
15   can't remember his first name. Watkins.
16   All of these peoples' names were
17   mentioned, and also Dennis Montgomery, Conan Hayes,
18   but it was never clear and still not clear to me
19   today which of these people had allegedly vetted the
20   data to show hacking.
21   Q. So when did you first receive the rules to
22   the Prove Mike Wrong Challenge?
23   A. When I entered the symposium.
24   Q. And did you sign the rules at that time?
25   A. Yes.

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1   Q. Okay. We're going to show you what's been
2   previously marked as Exhibit 124. Do you recognize
3   these first couple of pages?
4   A. Yes, these look to be the Prove Mike --
5   Prove Mike Wrong official rules.
6   Q. And what was your understanding of the
7   rules when you signed them?
8   A. My understanding was that I couldn't see
9   the data without signing. Although, to be fair, I
10   would have signed anyway. There was nothing in the
11   rules that seemed objectionable to me, and that I --
12   to win contest, I needed to prove that the data was
13   not -- the data Mr. Lindell supplied was not related
14   to the 2020 election.
15   Q. And were you aware that Lindell Management
16   LLC was the entity sponsoring and administering the
17   challenge?
18   A. Yes, it says so in the very first
19   paragraph.
20   Q. Had you ever heard of Lindell Management
21   LLC before?
22   A. No.
23   Q. Have you ever spoken with anyone at
24   Lindell Management LLC before?
25   A. No.

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1   Q. So you told me a couple minutes ago that
2   after you signed rules and you got the pink dot on
3   your badge, you went to a room with other experts.
4   How many other cyber security experts were there on
5   the first day?
6   A. I was told there were two rooms. I was
7   directed to one of them, and in that room there were
8   about 12 to 15 experts. I assumed there were 12 to
9   15 in the other room, but I don't really know.
10   Q. Did you recognize any of the experts that
11   were in your room?
12   A. No, but I -- that didn't surprise me.
13   There's a lot of people who do this work.
14   Q. Did you say anything to the other people
15   in your room on that first day?
16   A. I -- we all introduced each other. We
17   shared information about where to download
18   Mr. Lindell's data. Yeah, there was a lot of
19   ongoing discussion.
20   Q. So did you receive data to review on that
21   first day of the cyber symposium?
22   A. Yes.
23   Q. How were you given access to that data?
24   A. As I recall, there was a whiteboard with a
25   URL for reaching a site on the local network at the

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1   building where we could download the files.
2   Q. Did anyone talk to you about how to access
3   the files?
4   A. I know that people from -- from
5   Mr. Lindell's red team -- they called themselves the
6   red team -- would come in. I found that out, I
7   think, during the symposium. Would come in -- I
8   didn't really know who they were, but somebody would
9   come in and say here's how you access the files or I
10   understand you're having problems accessing the
11   files. Here's what you need to do. They would come
12   in and say something like that and leave.
13   Q. Do you recall any of the specific people
14   on the red team who would come in and talk to you?
15   A. The only one I know specifically was Josh
16   Merritt. That's because later I find out it was him
17   because of some things he told us.
18   Q. Had you met Josh Merritt before the cyber
19   symposium?
20   A. No.
21   Q. Do you recall what Mr. Merritt told you
22   about the data you were receiving on the first day?
23   A. What Mr. Merritt told us?
24   Q. Uh-huh.
25   A. Well, at first he came in and gave us, as

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1   I recall -- well, someone came in and gave us
2   information about how to download it. I can't say
3   whether that was him or not. I was sitting at a
4   desk and somebody would walk in, say something, and
5   leave. But at one point he did -- and I'll quote
6   him. At one point later in the day he said this is
7   all bullshit. The data is all bullshit.
8   Q. And that was on the first day of the cyber
9   symposium?
10   A. I believe so.
11   Q. Do you recall which files you were
12 reviewing when he said that?
13   A. Those were what I call the day one files.
14 I think there were seven of them. It's in my
15 report.
16   Q. Yep, I'd like to talk about your report
17 next. So if you actually flip to page 42 of
18 Exhibit 124, is this your expert report?
19   A. Yes, it is. It looks to be.
20   Q. Before I forget to go back, I'd like to
21 ask you one more question about the red team. Did
22 anyone else other than Josh Merritt talk to you
23 about what the data was supposed to be?
24   A. I had read reports that one of the other
25 people that came in -- that someone else came in

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1   possibly -- well, it's possible that Phil Waldren
2   came in, but I don't know for sure. Again, I was
3   focused on the data, and I had my back to the door.
4   Someone would come in and make a statement or two
5   and then leave. So I really didn't get a chance to
6   see who was making the statement, and I didn't know
7   who was who at that point.
8   Q. What did the other people say who came
9   into the room at various points throughout the day?
10   A. I don't have any recollection of anything
11 specific. Most of them were just telling us how to
12 download the files. I know that we all had
13 questions once we downloaded the files. The main
14 question was where are the PCAP files, and I think
15 occasionally someone would come in and make a
16 statement, but I don't remember. At some point, I
17 realized we had not received PCAP files.
18   Q. Was it a consensus among the group of
19 cyber experts that there were no PCAP files?
20   MR. BECK: Object to the form.
21   THE WITNESS: Yes.
22   MS. LEVINE-PATTON: Q. Uhm --
23   A. Let me -- there were people who spent all
24 three days looking -- we received some very large
25 binary files, and there were people who spent I

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1   think all three days trying to understand whether
2   these were PCAP files, but by day one I was
3   convinced they were not PCAP files. So I think
4   everyone knew we had not received PCAP files, but
5   some people believed that some of the larger files
6   might be some kind of modified PCAP files in a
7   format we weren't aware of.
8   So everyone knew that we did not get PCAP
9   files, but that some people felt that they might
10 still be with -- somehow encoded within the files we
11 had received.
12   Q. And why were people expecting or why were
13 you expecting to see PCAP files?
14   A. Well, I was not expecting particularly --
15 particularly to see PCAP files. I know that
16 Mr. Lindell had made a number of statements about
17 having the PCAP files. My feeling is the other
18 people at the symposium were -- ranged from I.T.
19 people with little experience in forensics to cyber
20 security people. Some -- you know, at least one or
21 two or three very experienced cyber security people,
22 but I think I was the only, what I would call,
23 forensics person.
24   And cyber security people tend to be given
25 a certain type of data and ask to figure out what's

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1   in that data. As a forensics examiner, I never know
2   what I'm being given. So I don't assume that I'm
3   getting any particular format, even if party to a
4   litigation says it's in a particular format.
5   And so I think that made my analysis
6   somewhat unique in that I just didn't -- once I
7   determined these were not PCAP files, I started
8   using other tools to figure out what they actually
9   were.
10   Q. And did you eventually draft an expert
11 report?
12   A. Yes.
13   Q. Why did you draft the report?
14   A. I realized that I knew what the day one
15 files were. I knew they were not PCAP files or
16 related to the November 2020 election. So I
17 typically write a report. I have a template that I
18 use. I went to my hotel, wrote up all my results,
19 registered this with the copyright office, and was
20 prepared to bring it in the next day.
21   Q. Did you draft this report on the first day
22 of the cyber symposium?
23   A. Yes.
24   Q. After looking at the files from day one?
25   A. Well, let me -- let me say not this

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1   particular report that you have here. Because we
2   were given more files on day two, and so then I
3   realized that I needed to examine those files, and
4   so the report you have here is what I eventually
5   filed on day three where each day I added more to
6   it.
7   Q. I'd like to direct your attention to page
8   51. This is where you wrote files from day one. Do
9   you see that?
10   A. Yes.
11   Q. Is this the list of seven files that you
12   viewed on the first day?
13   A. Yes.
14   Q. Did you expect to receive more than seven
15   files on the first day?
16   A. No, I think it surprised everyone, all the
17   cyber experts.
18   Q. Why were you surprised?
19   A. On day one, nobody said anything about
20   other files. On day one, we were told here are the
21   files. You can download them from this location,
22   and so there was no expectation we would receive
23   additional files.
24   Q. And who communicated that to you?
25   A. The red team members. Maybe was Josh

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1   Merritt, maybe was Phil Waldren. I just don't
2   remember.
3   Q. I'd like to direct your attention to
4   Paragraph 20. It says that you were instructed to
5   examine files in the folder pod_DIST. How did you
6   get to that folder?
7   A. So you can see there a network locations
8   //USAserver01/cyber. We were given the -- we were
9   connected to the local network, and that's just a
10   URL. It's just a location on the network. If you
11   point your browser to it, then you'll see a folder
12   called pod_DIST.
13   Q. It looks like the first file listed in
14   your report is file CExtract.mp4. Did you open that
15   file?
16   A. Yes.
17   Q. How did you open that file?
18   A. It's an MPEG file, so that means it's a
19   video. If you double click on it in Windows, which
20   is the machine I have, it will come up with a
21   standard media player and start playing it. It's a
22   video file.
23   Q. And what was that a video of?
24   A. Well, it was -- you know, I can tell you
25   what I eventually learned it was of or what I

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1   eventually understood it to be of. Because some
2   details didn't become clearer until the arbitration,
3   but it was someone manipulating -- using a
4   development environment, a software development
5   environment -- let me back up.
6   It's a screenshot of a mouse being
7   manipulated using a development -- software
8   development environment, and obviously someone on
9   the computer typing some information onto some
10   screens. It didn't have sound. It lasted I think a
11   minute and 20 seconds, and later on, if you zoomed
12   in on it -- and we also I think heard some testimony
13   at the arbitration. It was a Microsoft visual
14   studio development system, which is probably the
15   most common development system. It showed a tiny
16   bit of source code for some program.
17   But there was no explanation. You
18   couldn't gather any understanding of what the video
19   was about from looking at it.
20   Q. Was there any indication of where the
21   video came from?
22   A. No.
23   Q. Was this first file related to the 2020
24   U.S. election?
25   A. No.

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1   Q. Was there any data in this first file
2   indicating that voting machines were online during
3   the 2020 U.S. election?
4   A. No.
5   Q. Was there any data in this first file
6   indicating that voting machines changed votes during
7   the 2020 U.S. election?
8   A. No.
9   Q. Was there any data in this first file
10   indicating that voting machines were hacked during
11   the 2020 U.S. election?
12   A. No.
13   Q. Was there any data in this first file
14   pertaining to Smartmatic?
15   A. No.
16   Q. Was there any data in the first file
17   indicating that the 2020 U.S. election was stolen?
18   A. No.
19   Q. I'd like to talk about the next file
20   listed as number two in your report. It was called
21   Election Process Taxonomy.PDF. Did you open that
22   file?
23   A. Yes, that's a standard PDF of a diagram of
24   some voting system.
25   Q. And how did you open the file?

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1   A. Again, clicking on it brought up the
2 default application Adobe Acrobat.
3   Q. What specifically was in the second file?
4   A. As I recall, there were two diagrams, I
5 believe. Each one showed some kind of voting system
6 at a very high level. It might have shown voting
7 machines connected to -- I just don't recall. It
8 might have mentioned voting machines, but it was
9 just a generic block diagram of how voting occurred
10 in some system.
11   Q. Was the second file related, in your
12 opinion, to the 2020 U.S. election?
13   A. No.
14   Q. Was there any data in that second file
15 indicating that voting machines were online during
16 the 2020 U.S. election?
17   A. I don't recall.
18   Q. Do you have any reason to believe that the
19 second file showed that voting machines were online
20 during the 2020 U.S. election?
21   A. I don't recall if it showed some kind of
22 connection in the diagram, but to me, it was just a
23 diagram with no -- it was a generic diagram with no
24 specific relationship to the November 2020 election.
25   Q. Did the second file have evidence proving

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1 that voting machines changed votes during the 2020
2 U.S. election?
3   A. No.
4   Q. Did the second file have evidence proving
5 that voting machines were hacked during the 2020
6 U.S. election?
7   A. No.
8   Q. Did the second file have evidence
9 pertaining to Smartmatic?
10   A. I don't believe so.
11   Q. Did the second file have evidence
12 indicating that the 2020 U.S. election was stolen?
13   A. No.
14   Q. I'd like to talk about the third file that
15 you have in your report, which is called Chinese
16 Source IP Hex.txt.
17   Did you open this file?
18   A. Yes, I did.
19   Q. How did you open it?
20   A. Well, I explained it in my report. It's a
21 text file, so initially I opened it with standard
22 text editor on my computer.
23   Q. And what did you find in the third file?
24   A. This was ASCII representation of text,
25 which means text that had been -- sorry. I said

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1 that wrong. ASCII representations of hex numbers.
2 Hex are base 16 numbers that are used by computers,
3 but these weren't actual numbers. They were letters
4 designed for a human to read them as hex numbers.
5   Q. You refer to hex code in your report. Is
6 that the same hex that you're talking about right
7 now?
8   A. I believe so, yes.
9   MS. LEVINE-PATTON: Okay. We're now going
10 to introduce what will be marked as Exhibit 318.
11 This is Bates stamped Zeidman SMT Lindell 042603.
12   (EXHIBIT 318 WAS MARKED FOR
13   IDENTIFICATION.)
14   MS. LEVINE-PATTON: Q. So what I've shown
15 you is the first 10 pages printed of Exhibit 318.
16 This is a voluminous file with thousands of pages,
17 and the actual Exhibit 318 is on a computer that is
18 in front of you there. Would you look at that file?
19   A. Okay. Just a minute.
20   MR. BECK: Maura, can we take a couple of
21 minutes just to fill up my coffee?
22   MS. LEVINE-PATTON: Sure.
23   VIDEOGRAPHER: We are off the record.
24 11:06 a.m.
25   (The deposition was in recess from 11:05

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1   to 11:16.)
2   VIDEOGRAPHER: We're back on the record at
3 11:17 a.m.
4   MS. LEVINE-PATTON: Q. Mr. Zeidman, we
5 just introduced Exhibit 318. Do you recognize this
6 document?
7   A. Yes. So if you take the file Chinese
8 Source IP Hex.txt and translate the ASCII
9 representation of hex to actual hex and then bring
10 it up, that file in a word processor, this
11 Exhibit 318 that you've shown me is what you'll see.
12   Q. So you mentioned ASCII. Is that
13 A-S-C-I-I?
14   A. Yes.
15   Q. What is that?
16   A. It's just a standard way of representing
17 numbers and letters and characters for a computer.
18   Q. And you write in Paragraph 26 of your
19 report that you used a program called hex to bin
20 that you created in order to convert ASCII
21 represented text to binary.
22   A. Yes.
23   Q. Is that the process that you used?
24   A. I did. People pointed out that there are
25 other tools available, that are easily available

14 (Pages 53 to 56)

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1   online, but this was a tool I created many years ago
2   to do the same thing.
3   Q. And you converted the file to binary code?
4   A. Yes.
5   Q. And when you converted the file to binary,
6   did you discover it was an RTF file?
7   A. Yes, rich text format.
8   Q. And were you able to open it at that
9   point --
10   A. Yes.
11   Q. -- using --
12   A. With Microsoft Word.
13   Q. What did you see when you opened the RTF
14   file in Microsoft word?
15   A. I -- I saw what's shown to me in
16   Exhibit 318, at least this is the first few pages of
17   it.
18   Q. Did it look to you to be IP addresses?
19   A. Yes, there were two columns, the left most
20   column looks -- is formatted like IP addresses.
21   Q. Were you able to determine if the left
22   column actually contained IP addresses?
23   A. Technically, there's nothing I'm aware of
24   to determine that. IP addresses are simply four
25   numbers from one to three digits each, and they can

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1   be IP addresses. They're assigned -- well, it's
2   complicated how they're assigned, but they can be
3   assigned to a device. There are some restrictions
4   on what kind of IP address numbers are assigned, but
5   just glancing at it, they look like all legitimate
6   IP addresses.
7   Q. Was there a header on this file?
8   A. No, I don't believe so.
9   Q. Was there any other distinguishing
10   information in the file?
11   A. Let me clarify that the actual file -- and
12   I have some information. Technically, there was a
13   header that I show on Paragraph 24, but it is a
14   header that indicates that this is an RTF file. So
15   if you look at the RTF file, you'll see lots and
16   lots and lots of commands about how to format the
17   file. Things like, you know, which things are in a
18   row, which things are in a column, which are bold,
19   which are certain fonts, which font sizes to use.
20   But it's all word processing information.
21   Q. Was this third file packet or PCAP data?
22   A. No, it wasn't.
23   Q. How did you know that this file did not
24   contain packet or PCAP data?
25   A. Packet data would include much more

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1   information. It would have, not just one IP
2   address, it would have a source IP address, which is
3   where the packet originated, a destination IP
4   address, which is where it was intended to go. It
5   would have information about the size of the packet.
6   I don't recall offhand. I used to know what went
7   into a packet, but it would have much more
8   information than this.
9   Q. And in your opinion, is there evidence
10   that this file related to the 2020 U.S.
11   election?
12   A. There was nothing in here that I -- I
13   determined that nothing in here was related to the
14   2020 election.
15   Q. Was --
16   A. Also, if I can clarify, I used to know --
17   I should say I used to know -- I used to have
18   memorized what was in a packet. I can certainly
19   look it up, but when I wrote software and hardware
20   for manipulating packets, I could tell you, off the
21   top of my head, other than source IP, destination
22   IP, and packet length -- oh, and a checksum at the
23   end of the packet. And a payload. But there might
24   be more specific information I'm not recalling.
25   Q. But you didn't see any of that information

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1   in this Chinese source IP hex file?
2   A. That's correct.
3   Q. Was there evidence that this file -- in
4   this file that voting machines were online during
5   the 2020 U.S. election?
6   A. No.
7   Q. Was there evidence in this third file
8   indicating that voting machines changed votes during
9   the 2020 U.S. election?
10   A. No.
11   Q. Was there evidence in this third file
12   indicating that voting machines were hacked during
13   the 2020 U.S. election?
14   A. No.
15   Q. Was there evidence in this file pertaining
16   to Smartmatic?
17   A. No.
18   Q. And was there evidence in this file
19   indicating that the 2020 U.S. election was stolen?
20   A. No.
21   Q. I'd like to talk now about the fourth file
22   in your report, which is on page 53 of the
23   Exhibit 124. The fourth file was called Final
24   Reult_2020_hex.txt; is that right?
25   A. Yes.

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1   Q. And did you open this file?
2   A. Yes.
3   Q. How did you open it?
4   A. I went through the same process as the
5 file for -- the file Chinese Source IP Hex.txt by
6 translating it from hex to binary -- actually, ASCII
7 representation of hex to binary and then opening up
8 in Microsoft Word.
9   MS. LEVINE-PATTON: I'm now entering what
10 is marked as Exhibit 319. This has a Bates number
11 Zeidman SMT Lindell 042646.
12   (EXHIBIT 319 WAS MARKED FOR
13   IDENTIFICATION.)
14   MS. LEVINE-PATTON: Q. So, again, this is
15 the first 10 pages of that document printed. The
16 file itself is on the flash drive in front of you.
17   A. Did you want me to check it, to open the
18 flash drive?
19   Q. Yes, please. The Bates number on the file
20 is 042646.
21   A. Okay. I have it open.
22   Q. Is this the fourth file that you reviewed
23 at the cyber symposium?
24   A. It looks to be, yes.
25   Q. Can you tell what was in this file?

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1   A. Well, what was in this file appear to be a
2 random set of characters, numbers, symbols, but the
3 thing that I discovered, going through the process
4 that I described, is that this was all perfectly
5 formatted RTF. In other words, sometimes you can
6 open a file that looks like this because the word
7 processor doesn't understand it, but this was
8 actually a perfectly readable RTF file. The word
9 processor perfectly understood it to be these --
10 what appear to be a random set of characters and
11 symbols.
12   Q. Do you recall if this file was about
13 30 megabytes?
14   A. That sounds about right.
15   Q. And was there evidence that this fourth
16 file was related to the 2020 U.S. election?
17   A. No.
18   Q. You say that it was random characters and
19 numbers. In your report, you refer to it as
20 gibberish.
21   A. Uh-huh.
22   Q. How do you know that this document was
23 just not translated properly?
24   A. Well, it was Microsoft Word, and I did
25 some testing, but I know this from years of

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1 experience. If it can't understand a file, it will
2 give a message at the very beginning asking how do
3 you want this file translated because it doesn't
4 understand. I've seen that a lot of times. This
5 file, it opened up perfectly, and there were no
6 error message or warnings or questions about how to
7 translate it. So it -- and I also looked at the
8 underlying code and saw that everything was
9 perfectly described in RTF commands.
10   Q. Was there any evidence in this fourth file
11 indicating that voting machines were online during
12 the 2020 U.S. election?
13   A. No.
14   Q. Was there any data in this fourth file
15 indicating that the voting machines changed votes
16 during the 2020 U.S. election?
17   A. No.
18   Q. Was there any evidence in this fourth file
19 indicating that voting machines were hacked during
20 the 2020 U.S. election?
21   A. No.
22   Q. Was there any data at all in this fourth
23 file pertaining to Smartmatic?
24   A. No.
25   Q. Was there any data in this fourth file

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1 indicating that the 2020 U.S. election was stolen?
2   A. No.
3   Q. And did this fourth file contain PCAP
4 data?
5   A. No.
6   Q. Now, we're going to talk about the fifth
7 file, which is called target_machineID_hex.txt.
8   Did you open this file?
9   A. Yes, using the same process that I
10 described for the other two files.
11   MS. LEVINE-PATTON: We're now entering
12 what will be marked as Exhibit 320 with the Bates
13 stamp Zeidman SMT Lindell 053965.
14   (EXHIBIT 320 WAS MARKED FOR
15   IDENTIFICATION.)
16   THE WITNESS: I just lost the folder.
17 Thank you.
18   MS. LEVINE-PATTON: Q. We have the first
19 10 pages printed for you and the full file on the
20 computer in front of you. Could you please open
21 that file and look at it?
22   A. Yes, I just did.
23   Q. Do you recognize this document?
24   A. Yes, this is the -- this is the result of
25 putting Target Machine I.D. Hex.txt through the same

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1   transformation process for -- as I did for the other
2   two files and opening it up in Microsoft Word.
3   Q.   And is this fifth file also in gibberish?
4   A.   Yes.
5   Q.   And seeing as it's in gibberish, how do
6   you know that you translated it correctly?
7   A.   In the same way I described before. There
8   were no -- well, I looked at the code. The code
9   appeared to be correct for RTF, the underlying RTF
10   commands, and Microsoft Word did not give me error
11   messages or warnings when trying to open it.
12   Q.   Was this 5th file related, in your
13   opinion, to the 2020 election?
14   A.   No.
15   Q.   Was there evidence in this fifth file
16   indicating that voting machines were online during
17   the 2020 U.S. election?
18   A.   No.
19   Q.   Was there evidence in this fifth file
20   indicating that voting machines changed votes during
21   the 2020 U.S. election?
22   A.   No.
23   Q.   Was there evidence in this fifth file
24   indicating that voting machines were hacked during
25   the 2020 election?

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1   A.   No.
2   Q.   Was there any evidence in this file
3   pertaining to Smartmatic?
4   A.   No.
5   Q.   Was there any evidence in this file
6   indicating that the 2020 U.S. election was stolen?
7   A.   No.
8   Q.   And did this fifth file contain PCAP or
9   packet data?
10   A.   No.
11   MS. LEVINE-PATTON: We're now going to
12   talk about the sixth file, which is on page 54 of
13   your report labeled targets_hex.txt. We're
14   introducing what will be marked as Exhibit 321 with
15   the Bates stamp Zeidman SMT Lindell 053987.
16   (EXHIBIT 321 WAS MARKED FOR
17   IDENTIFICATION.)
18   MR. BECK: 321?
19   MS. LEVINE-PATTON: Q. Yes.
20   Do you have Exhibit 321 open on the
21   computer in front of you?
22   A.   Yes.
23   Q.   Do you recognize this document?
24   A.   Yes, this is the -- again, going through
25   the same translation process for the other hex text

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1   files, this is what appears in Microsoft Word when
2   you do a transformation on targets hex.txt.
3   Q.   And did you use the same process for the
4   sixth file that you did for the fifth and the fourth
5   file?
6   A.   Yes.
7   Q.   And did gibberish -- is this file in
8   gibberish?
9   A.   Yes, it's what I have termed gibberish.
10   Q.   Seeing as it's gibberish, do you know you
11   translated it correctly based on the process you
12   described for me from the fifth file and the fourth
13   file?
14   A.   Yes, as with those files, I looked at the
15   codes, the RTF codes. They all seemed to be
16   correct. Of course, I can't look at all of them,
17   but Microsoft Word didn't give me error messages or
18   warnings when opening it.
19   Q.   In your expert opinion, was the sixth file
20   related to the 2020 U.S. election?
21   A.   No.
22   Q.   Was there any evidence that the sixth file
23   indicated that voting machines were online during
24   the 2020 U.S. election?
25   A.   No.

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1   Q.   Was there any evidence in the sixth file
2   indicating that voting machines changed votes during
3   the 2020 U.S. election?
4   A.   No.
5   Q.   Was there any evidence in the sixth file
6   indicating that voting machines were hacked during
7   the 2020 U.S. election?
8   A.   No.
9   Q.   Was there any evidence in the sixth file
10   pertaining to Smartmatic?
11   A.   No.
12   Q.   Was there any evidence in the sixth file
13   indicating that the 2020 U.S. election was stolen?
14   A.   No.
15   Q.   Did the sixth file even contain any packet
16   data?
17   A.   No.
18   Q.   I'd like to talk about the seventh file.
19   Which is also on page 54 of your report. This file
20   was called RNX-000001.bin. Is that right?
21   A.   That's correct.
22   Q.   Mr. Zeidman, what is a bin file?
23   A.   Well, a bin file is typically a binary
24   file. Now, technically every file on a computer is
25   a binary file. But bin typically indicates that

17 (Pages 65 to 68)

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1   it's a file with ones and zeros that are just meant
2   for a computer, that are not meant for a human being
3   to understand.
4   Q. So how did you first -- did you attempt to
5   open this file?
6   A. I used a number of different tools. I
7   discuss here Wireshark. This seemed to be the
8   candidate that everyone -- all of the cyber experts
9   agreed if there were packet captures, PCAPs, that
10   this would be it, but those would typically not have
11   the extension bin, B-I-N. But I put it through
12   Wireshark, which is a program for analyzing PCAPs.
13   And, actually, initially it was taking a
14   really long time. So I found a utility online to
15   divide it up into much smaller packets -- much
16   smaller -- sorry -- chunks and put each chunk -- put
17   a couple of chunks through Wireshark, and Wireshark
18   gave an error message, said there's no PCAP data in
19   this file.
20   MS. LEVINE-PATTON: We're now going to
21   introduce what will be marked as Exhibit 322.
22   (EXHIBIT 322 WAS MARKED FOR
23   IDENTIFICATION.)
24   MS. LEVINE-PATTON: Q. This has the Bates
25   stamp Zeidman SMT Lindell 054195. And this was

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1   attached to your expert report as Exhibit F.
2   A. Okay.
3   Q. Do you recognize this?
4   A. Vaguely. This appears to be the
5   instructions for using Wireshark to open PCAP files.
6   Q. And what happened when you attempted to
7   open the RNX bin file with Wireshark?
8   A. So on page 12 of my report, Paragraph 34,
9   I show a screenshot of an error message that I
10   received. To be clear, I also tried legitimate PCAP
11   files that I found online and Wireshark did open
12   them. I also divided those Wireshark -- sorry --
13   those PCAP files into smaller pieces, smaller
14   chunks, and Wireshark was also able to open those
15   smaller chunks, just in case my effort to divide up
16   the file had somehow made the file unreadable.
17   But also, as I discussed in arbitration
18   and perhaps not as much detail in my report, I used
19   other tools, including my own tools, to determine
20   whether there was some other kind of data in this
21   file other than PCAP data, and I couldn't find
22   anything.
23   Q. And when you received this error message
24   from Wireshark, what did that mean to you as a cyber
25   security expert?

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1   A. It told me that these are not PCAP files
2   in any known format, by the way. As I mentioned,
3   they're -- Wireshark can analyze 37 different PCAP
4   formats. I think these are all of the known PCAP
5   formats, to my -- to my knowledge, these are all the
6   known PCAP formats.
7   Q. And did you also try to change the
8   extension on this file?
9   A. Yes, but Wireshark still couldn't read it.
10   Q. You tried to change the extension to dot
11   PCAP?
12   A. Yes.
13   Q. Were you ever able to get this file open?
14   A. I was able to open it in a text editor.
15   And what I found is that the binary files that I've
16   worked with and that I'm aware of will typically
17   have a header that says what -- that will describe
18   the data in the file and how it was generated so
19   that if a human does try to read the file, it will
20   give some basic information about the file. I
21   didn't find that.
22   I also have some tools that will search
23   for text within a file, and I was surprised that I
24   couldn't find any text. Even in a binary file,
25   typically there will be something like a message to

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1   a user. So, for example, if it's an application
2   that you're running on the computer, there will be a
3   list of messages saying please press this button or,
4   you know, error. You did the wrong thing. You
5   know, user errors. And there was none of that. So
6   it surprised me that I couldn't find any text
7   whatsoever in the file.
8   Q. In your expert opinion, did this file
9   contain packet data?
10   A. No, it didn't.
11   Q. Was there evidence that this file was
12   related to the 2020 U.S. election?
13   A. No.
14   Q. Was there evidence that the seventh file
15   indicated that voting machines were online during
16   the 2020 U.S. election?
17   A. No.
18   Q. Was there evidence that the seventh file
19   showed that voting machines changed votes during the
20   2020 U.S. election?
21   A. No.
22   Q. Was there evidence in the seventh file
23   indicating that voting machines were hacked during
24   the 2020 U.S. election?
25   A. No.

18 (Pages 69 to 72)

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1   Q. Was there any data in the seventh file
2 pertaining to Smartmatic?
3   A. No.
4   Q. Was there any data in the seventh file
5 indicating that the U.S. election in 2020 was
6 stolen?
7   A. No.
8   Q. Were you given any other information to
9 analyze on day one of the cyber symposium?
10   A. No.
11   Q. Did you ever determine where the files
12 came from that you saw on day one?
13   A. Well, I eventually determined that they
14 were given to Mr. Lindell by a man named Dennis
15 Montgomery.
16   Q. How did you learn that?
17   A. Mr. Lindell discussed that in his
18 deposition and at the hearing.
19   Q. His deposition in your arbitration?
20   A. Yes.
21   Q. Do you know if these were the files
22 Mr. Montgomery gave to Mr. Lindell unedited?
23   A. I've heard testimony about various
24 manipulations that were done. I have no firsthand
25 knowledge of -- I have no firsthand knowledge of how

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1 Mr. Lindell received these files, only what was
2 testified to at my arbitration.
3   Q. Do you have any opinions about how the
4 files you saw on day one were created?
5   A. Well, I do.
6   Q. What are those opinions?
7   A. Well, I can tell you that the hex files
8 appear to have been created probably by a program
9 that put out these gibberish characters or these
10 table of numbers into a word processor. I say that
11 because everything seems to be random, and I doubt
12 that someone would spend days typing thousands of
13 pages into a word processor. So I'm assuming that
14 it was done automatically. But then the simple
15 transformation that I undid, that simple
16 transformation was performed to make it look like
17 something different. That's for the text files.
18   I do have some information, if you want me
19 to talk about it, that I learned in my arbitration
20 about the bin file.
21   Q. Yes, please.
22   A. Okay. It came out in my arbitration that
23 there is a program, which I did receive on day
24 three -- sorry -- day two in the other files called
25 C Extract. C Extract will extract a spreadsheet

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1 from the binary files. Well, let me correct that.
2 In theory, C Extract will extract a spreadsheet,
3 which is one of the files I was given on day two.
4   However, what came out in testimony and
5 with my experimentation, at some point during the
6 arbitration, the C Extract program I was given had
7 security measures in it that would not allow it to
8 work. However, I was able to take some time and
9 defeat the security mechanisms because they were
10 very, very simple and run the program, and as some
11 of Mr. Lindell's experts opined at the hearing, it
12 did not produce the spreadsheet that I was given.
13 It actually produced something similar, but without
14 the headers, in the spreadsheet. Those headers were
15 put in manually.
16   Q. Are you referring to the spreadsheet
17 mx000123.csv?
18   A. Yes.
19   Q. Who told you to use the C Extract program?
20   A. That -- I was told at the arbitration that
21 I was expected to use it. It was among the 509
22 other files that I received on day two, which
23 eventually the cyber experts were told were not part
24 of the challenge and were not supposed to be given
25 to us, but at my arbitration I was told that I

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1 should have used the program. However, the program
2 had a security measure that made it impossible to
3 run or at the very least dangerous to run, which
4 Mr. Lindell's own expert witness testified to at
5 his -- at the hearing.
6   Q. Going back to day one, did you have any
7 thoughts or opinions about how the seven files you
8 viewed were named?
9   A. Well, my only opinion was -- I didn't want
10 to draw any conclusions, but final reult was spelled
11 wrong. It seemed to me to be sloppy, but not
12 necessarily an indication of anything, and there was
13 an issue with RNX that came up later. I think we
14 might get to it on the day two files. The names of
15 the files seemed to imply some kind of Chinese
16 hacking, but I had no reason to question them until
17 I did my analysis.
18   Q. And how long did it take for you to
19 determine that none of the seven files had evidence
20 relating to the 2020 U.S. election?
21   A. I recall it was roughly three hours.
22   Q. What did you do for the rest of the day?
23   A. I went back to my hotel and wrote up my
24 expert report.
25   Q. Did you speak with anyone else that day?

19 (Pages 73 to 76)

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1   A. My wife.
2   Q. Did you watch any of the cyber symposium
3 stage programming on day one?
4   A. I did. I went back and forth between the
5 cyber room where the cyber experts were working and
6 the stage where the symposium was being given.
7   Q. Do you recall any of the programming you
8 saw on day one?
9   A. Yes.
10   Q. What programming was that?
11   A. Well, day one was mostly Mr. Lindell on
12 stage for the entire time discussing Chinese hacking
13 of our voting machines. We gave the pledge of
14 allegiance. We sang God bless America or Star
15 Spangled Banner several times. I don't remember
16 anything specific beyond that.
17   Q. So what happened when you arrived for day
18 two of the cyber symposium?
19   A. That's when I got into the cyber room and
20 a people were still working and said we've been
21 given more files to analyze.
22   Q. Are those the same people that were in the
23 room with you on day one?
24   A. Yes.
25   Q. They were other cyber experts?

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1   A. Yes, I should say that these were the
2 people who were considered cyber experts. And I
3 just want to be clear, I have no dispute with any of
4 those people or I'm not questioning anything about
5 them, but I did know there was a varying degree of
6 expertise. Some people were simply I.T. people who
7 said they knew nothing about cyber security or
8 forensics. And there were some people there who
9 were expert cyber security analysts.
10   Q. And you were all given cyber security
11 credentials at the cyber symposium?
12   A. Yes.
13   Q. Were you given more files on the day two
14 of the cyber symposium?
15   A. Yes, the four files listed in Paragraph 36
16 of my report.
17   Q. Did anyone from the red team tell you
18 anything about these four files before you reviewed
19 them?
20   A. Not that I recall, and I think it was on
21 day one that Josh Merritt made his comment, but it
22 may have been on day two.
23   Q. I'm now looking at the -- at day two in
24 your expert report, and I'd like to talk about the
25 first file, which is mx000123.csv. Is this the

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1 Excel file that we were talking about a few minutes
2 ago?
3   A. Yes, but to be clear, just as a
4 technicality, it's not really an Excel file. It's a
5 generic spreadsheet that can be -- it's a very, very
6 simple format. It's very easy to generate. I know
7 that because my tools generate these files, but they
8 can be read by any spreadsheet program.
9   MS. LEVINE-PATTON: Thank you. That's
10 helpful. We're now entering what will be marked as
11 Exhibit 323.
12   (EXHIBIT 323 WAS MARKED FOR
13   IDENTIFICATION.)
14   MS. LEVINE-PATTON: Q. This is Bates
15 stamped Zeidman SMT Lindell 054199. Are you able to
16 open that on the computer?
17   A. Yes.
18   Q. So I'll represent to you that what we
19 printed as Exhibit 323 is the first 10 pages of the
20 file and then select pages of an almost 18,000-page
21 document showing the first columns -- the first page
22 of the column of the spreadsheet. Does that make
23 sense?
24   A. I believe so, yes. It's hard to get this
25 all printed on a few pages.

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1   Q. Exactly. How did you open this file at
2 the cyber symposium?
3   A. Well, a CSV is known as a comma separated
4 values spreadsheet. As I mentioned, any spreadsheet
5 program will open it, so I used Microsoft Excel to
6 open it.
7   Q. And what -- what did you see when you
8 opened the file?
9   A. A very large spreadsheet, very wide and
10 very long, with columns with what I later realized
11 were latitude and longitude of cities, the city
12 name, the state, the country, various information in
13 columns, in many different columns.
14   Q. Paragraph 38 of your report says that the
15 files included columns labeled source IP, target IP,
16 and source location. What did that mean to you?
17   A. Well, I was guessing. Source IP is
18 typically the name in a packet from where -- the IP
19 address of the computer where the packet originated
20 from. Target IP has no meaning that I'm aware of in
21 a packet and source location has no meaning in a
22 packet. There is destination IP, and I, at some
23 point, thought maybe someone had renamed target --
24 renamed destination IP to target IP. Although,
25 there would be no real reason for doing that.

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1   Q. Are source IP, target IP, and source
2   location items you would expect to see in a packet
3   capture?
4   A. I would expect to see source IP. Not
5   target IP, but something called destination IP.
6   Source location is not something. There's one thing
7   that you should know about a packet is only basic
8   information is available -- is visible to packet
9   capture. And that's the source of the packet, the
10 destination of the packet, but any other information
11 would be encrypted inside what's called the payload
12 of the packet, and so I wouldn't expect to see any
13 of that.
14   And if the packet is created correctly,
15 decrypting that information from a payload would be
16 a nearly impossible task. I won't say completely
17 impossible. If someone had massive super computers
18 or some kind of -- there are ways of doing it by
19 hacking into other systems or having a massive
20 supercomputer. In theory, it's possible.
21   But also what's in the packet header is
22 not just encrypted, but it's another format. It's
23 not a packet format. It's not a -- it's not the
24 basic packet format. In fact, I think it can be in
25 any format. So what you would find in the packet is

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1   source IP, destination IP, length of packet, which
2   is interesting none of -- none of these, the
3   spreadsheet or anything that anyone explained, had
4   length of the packet.
5   You also have a checksum at the end, which
6   is a way of confirming that the packet was not
7   corrupted. Packets get corrupted during
8   transmission. That happens frequently. So there is
9   what's called an error checking code at the end,
10 which determine whether the packet was corrupted or
11 not.
12   Q. So is it fair to say there are items that
13 you would expect to be in this file if it were
14 indeed a PCAP that you did not find?
15   A. That's correct, and the other information
16 in here is something that I would definitely never
17 find in a PCAP.
18   Q. So I'd like you to turn to the last page
19 of the printed document, which is Zeidman SMT
20 Lindell 068043. There are candidate names Biden
21 one, Trump one, Biden two, Trump two, on the top
22 column.
23   Would you expect to see candidate names in
24 PCAP data?
25   A. No.

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1   Q. Why not?
2   A. They have nothing to do with a packet.
3   Again, there might be information inside the header
4   that would need to be de-coded or decrypted. Any
5   kind of information can be inside the packet header,
6   but the packet itself wouldn't have that information
7   in it.
8   Q. Was there any explanation given to you as
9   to where this file came from?
10   A. During arbitration, there were various
11 explanations given. These were allegedly captured
12 by Dennis Montgomery using his alleged Hammer and --
13   Q. Scorecard?
14   A. Scorecard, thank you. Hammer Scorecard
15 hardware and software to capture packets in
16 realtime. Then there were further explanations that
17 these -- well, that the data in the binary files
18 that we discussed, the one we discussed so far, I
19 think, had this data encrypted, encoded, decrypted,
20 decoded, cyphers added, cyphers removed. The
21 explanations varied depending on who was giving the
22 explanation.
23   Q. Did you find that explanation to be
24 credible?
25   A. Not at all.

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1   Q. Why not?
2   A. A lot of reasons. One very simple reason
3   is that -- one consistent explanation is that the
4   binary files were compressed. However, this file
5   that I was told came from the binary files, this is
6   about 24 megabytes of data, and the binary file was
7   about 24 gigabytes of data. Compression makes
8   things smaller, not bigger. And this made it --
9   let's see if I get it right -- I think a thousand
10 times larger. So that's not compression.
11   Q. Was there any evidence that this file was
12 related to the 2020 election?
13   A. Not in my opinion, no.
14   Q. Was there any evidence that this was PCAP
15 data?
16   A. No.
17   Q. Was there any evidence that this file from
18 day two indicated that voting machines were online
19 during the 2020 U.S. election?
20   A. No.
21   Q. Was there any evidence from this first
22 file of day two indicating that voting machines
23 changed votes during the 2020 U.S. election?
24   A. No, if I could just say some of
25 Mr. Lindell's people claimed that Trump one, Biden

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1   one, Trump two, Biden two, was evidence that votes
2   were changed, but I disproved that. The arbitrators
3   agreed with me in my hearing that this did not
4   comprise evidence that votes were changed.
5   Q. Was there evidence that this first file
6   from day two shows that voting machines were hacked
7   during the 2020 election?
8   A. No.
9   Q. And was there evidence that this first
10 file from day two had anything to do with
11 Smartmatic?
12   A. No.
13   Q. I'd like to talk about the second file you
14 were given on day two. This was called summary.rtf.
15   A. Yes.
16   Q. Did you open this file?
17   A. Yes, that was a -- I opened in it
18 Microsoft Word. It was a rich text format document.
19   Q. What was in the file?
20   A. So that's what was shown at the top of
21 page 14 of my report was just some -- a list of
22 three files, what looked like a creation date, a
23 modified date, and a last access date, and then a
24 paragraph discussing C Extract, the file -- the
25 program that allegedly created the spreadsheet from

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1   the binary data, and then the name of the
2   spreadsheet.
3   Q. In your opinion, was this second file PCAP
4   data?
5   A. No.
6   Q. Was this second file related to the 2020
7   U.S. election?
8   A. No, it has a date in there for the 2020
9   election, but that doesn't say to me that it's
10 related in any way.
11   Q. Was there evidence that the second file
12 indicated voting machines were online during the
13 2020 U.S. election?
14   A. No.
15   Q. Was there evidence in this second file
16 from day two indicating that voting machines changed
17 votes during the 2020 U.S. election?
18   A. No.
19   Q. Was there evidence in the second file from
20 day two indicating that voting machines were hacked
21 during the 2020 U.S. election?
22   A. No.
23   Q. Was there any data in the second file from
24 day two pertaining to Smartmatic?
25   A. No.

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1   Q. Was there any data in the second file from
2   day two indicating that the 2020 U.S. election was
3   stolen?
4   A. No.
5   Q. I'd like to talk about the last file you
6   looked at on day two. This was called
7   rnx-000002.bin.
8   Did you open this file?
9   A. So there were two files, also dash -- also
10 three dot bin, and that's listed there. They were
11 both binary files like the first one I was given on
12 day one. I, again, attempted to use Wireshark to
13 open it. I also used my other tools to look for
14 text within there. These seemed to be very similar
15 to the first binary file, and I couldn't find any
16 useful information in it.
17   Q. When you say these, are you referring to
18 the RNX two bin and the RNX three bin file together?
19   A. Well, I analyzed them separately. I put
20 them together -- I described them together here only
21 because I did the same things to both of them that I
22 did to the one dot bin file and got the same results
23 that these were not PCAP files or anything related
24 to the 2020 election.
25   Q. So you tried to use Wireshark to open

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1   them?
2   A. Yes.
3   Q. And you received the same error message we
4   talked about earlier?
5   A. Yes.
6   Q. Did you find any evidence that these two
7   files were related to the 2020 U.S. election?
8   A. No.
9   Q. Did you find any evidence that these two
10 files indicated that voting machines were online
11 during the 2020 U.S. election?
12   A. No.
13   Q. Did you find any evidence indicating that
14 voting machines changed votes during the 2020 U.S.
15 election?
16   A. No.
17   Q. Did you find any evidence in these two
18 files indicating that voting machines were hacked
19 during the 2020 U.S. election?
20   A. No.
21   Q. Was there any data in both of these files
22 from day two pertaining to Smartmatic?
23   A. No.
24   Q. Was there any data in both of these files
25 from day two indicating that the 2020 U.S. election

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1   had been stolen?
2   A. No.
3   Q. Your report said you were also given some
4   other files on a hard drive. Do you remember
5   receiving these files?
6   A. Yes.
7   MS. LEVINE-PATTON: We're going to
8   introduce what will be marked as Exhibit 324.
9   (EXHIBIT 324 WAS MARKED FOR
10   IDENTIFICATION.)
11   MS. LEVINE-PATTON: Q. This document is
12   Bates stamped Zeidman SMT Lindell 071504, and this
13   was attached to your expert report as Exhibit H.
14   Do you recognize this?
15   A. Yes.
16   Q. Is this a complete list of the other files
17   you looked at during the cyber symposium?
18   A. I believe it was. I believe it is.
19   Q. At any point, did you open these files?
20   A. I don't recall. I probably opened --
21   well, I know that I have recently opened the PCAP
22   files in Wireshark. I don't recall if I did that at
23   the symposium.
24   Q. Are the PCAP files the first 11 that we
25   see listed here?

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1   A. The ones ending in PCAP NG, which is at
2   least files one, five, six, seven, eight, nine, 10,
3   and 11.
4   Q. And what did you find when you opened
5   those?
6   A. They opened in Wireshark easily, and
7   Wireshark gave me information like source address
8   and destination -- sorry -- source IP and
9   destination IP.
10   Q. Was there any evidence in those files
11   indicating that they were related to the 2020 U.S.
12   election?
13   A. Not that I recall, but -- so I did my
14   analysis at the symposium. I just happened to open
15   them recently.
16   Q. Uh-huh.
17   A. And I didn't really look at the data, just
18   looked to see whether Wireshark had opened them. I
19   don't recall if I did that at the symposium, but
20   what I did determine is all of these files, with
21   maybe a few exceptions, all of them were modified
22   within a week before the symposium, which meant that
23   they couldn't at least legitimately represent data
24   from the 2020 election, which had occurred nine
25   months, 10 months earlier.

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1   Q. So based on that finding, was there
2   evidence in these PCAP files indicating that voting
3   machines were online during the 2020 election?
4   A. I would say I didn't look at a lot of
5   these files, and I may have looked at some of them.
6   I just know that from their modification date they
7   couldn't reflect -- they couldn't legitimately
8   reflect anything about the 2020 election.
9   Q. Do you recall seeing evidence in any of
10   these other files indicating that voting machines
11   were hacked during the 2020 U.S. election?
12   A. No, I didn't.
13   Q. Do you believe that any of these other
14   files prove the 2020 U.S. election was stolen?
15   A. I don't believe so.
16   Q. Were you given any other information to
17   analyze on day two of the cyber symposium?
18   A. I believe that was all the -- all the
19   files that I've listed, including this list.
20   Q. And did you ever determine where the files
21   you saw on day two came from?
22   A. Well, from -- what -- what came from
23   testimony at my arbitration hearing and depositions,
24   the first four files, again, came from Dennis
25   Montgomery. That's my understanding -- and/or Conan

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1   Hayes. It appears that Mr. Montgomery gave the
2   files to Mr. Lindell, who used Conan Hayes to review
3   them. The other files, these 509 files, were given
4   out by Josh Merritt, and we were told emphatically
5   at the arbitration that Josh Merritt was not
6   associated or was not -- was no longer associated
7   with the challenge and that he should not have given
8   these out and we were to ignore these files.
9   Q. At what point were you told to ignore
10   Mr. Merritt?
11   A. I remember it distinctly at my
12   arbitration. At the symposium, I don't recall. I
13   don't remember getting that message. There was some
14   discussion among cyber experts that these were not
15   part of the challenge, as I recall, but I don't
16   remember hearing that directly from Lindell's
17   people.
18   Q. The top of page 52 of Exhibit 124, which
19   is page eight of your report, you say that some
20   files were represented to you by Joshua Merritt and
21   Colonel Phil Waldren as excerpts of packet data and
22   hex format. Is that the first time that you met
23   Joshua Merritt?
24   A. Yes.
25   Q. And is this on or around the time that

<div align="right">23 (Pages 89 to 92)</div>

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1   Joshua Merritt told you that all of the files were
2   bullshit?
3   A. Yes, somewhere around that time. Again, I
4   can't -- I believe it was day one, but it could have
5   been day two.
6   Q. Do you recall anything else about that
7   comment or the context surrounding it?
8   A. I just remember I was surprised to hear
9   that. I think a lot of the people -- the cyber
10 experts in the room were surprised. We -- we didn't
11 get an explanation of what that meant. But by that
12 time, it was -- we had already begun analyzing the
13 files and were asking where are the PCAPs. These
14 are not PCAPs.
15   Again, everyone was focused on PCAPs. I
16 wasn't necessarily focused on PCAPs, but a lot of
17 people were frustrated, and I just remember that
18 people were surprised to hear him say that.
19   Q. How long did it take for you to determine
20 on day two that none of the files contained
21 information relating to the 2020 U.S. election?
22   A. Well, I would say that the four files that
23 I've labeled day two files, which, as I understand
24 now, were part of the challenge. Probably took me a
25 half hour because I used all the techniques I had

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1   done on the other files, the similar files, on day
2   one. Other than a spreadsheet, which I just opened
3   in Microsoft Excel, and saw that there was nothing
4   in there that was PCAP data, and I recognized things
5   that could not have been captured from PCAP data.
6   Q. Uhm, no, go ahead.
7   A. With the 509 other files, I didn't
8   discover -- I didn't have an opinion about that
9   until day three. Because it took me most of the day
10 to just get a copy of these files, and realized 24
11 hours was not going to be enough time to analyze
12 them, but then again, on day three, I saw that most
13 of them were modified within a week. So from my
14 point of view, they could not legitimately represent
15 data about the November 2020 election if they had
16 been modified just a week ago.
17   Q. What did you do for the rest of the day
18 after you spent only 30 minutes determining these
19 files were not real?
20   A. So on day two, I don't remember the exact
21 sequence, but I did go out and get a larger hard
22 drive, and then one person at the symposium was
23 copying the data for these 509 files. They required
24 a larger hard drive than I had, and I think they
25 took about an hour for each copy, maybe a half hour,

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1   and there was a line of people. So I went out and
2   got hard drive, put it in the queue, and then went
3   and listened to the talks at the symposium.
4   Q. Do you recall any of the talks that you
5   heard specifically on day two?
6   A. Yeah, I do -- I think it was day two.
7   Because I also heard talks on day three. Actually,
8   yeah, I don't remember which run, day two and day
9   three. I remember Ron Watkins, who is Code Monkey
10 Z, gave a talk remotely. And I will say to his
11 credit, he mostly said that he couldn't analyze any
12 of the data that they were showing him because he
13 needed to have the computer in front of him.
14   I think there were people on stage at the
15 symposium who were showing, allegedly, disc images
16 from voting machines or some computer disc images.
17 And they were saying they had found evidence of
18 hacking because certain files were missing from the
19 system, and Mr. Watkins would say, well, there are
20 reasons that could happen. I would have to have the
21 computer in front of me to determine what happened,
22 but the people on the stage, and I don't recall who,
23 were saying, see, we found hacking, and -- but the
24 expert on stage remotely was not really saying that.
25   Q. What were your impressions of the

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1   programming at the cyber symposium?
2   A. I think that, at least on some of the
3   time, Mr. Lindell did most of the speaking. Even
4   when there were alleged experts on the symposium up
5   on the stage, and he would talk over them. He would
6   show data streaming by at a rate that nobody could
7   discern, and so it was completely meaningless. Most
8   of the experts complained about that because we
9   wanted to see the actual data, and we were told to
10 look at this movie, which had data streaming in the
11 background like something from the matrix.
12   There were numbers shown, and even
13 Mr. Lindell claimed that the numbers on the screen
14 weren't correct, that -- that there were numbers
15 that were shown -- that allegedly the number of
16 votes in various counties that were switched from
17 Trump to Biden, and Mr. Lindell would mysteriously
18 say those aren't even the right numbers. It was
19 worse than that.
20   There were a lot of people up on the stage
21 at the symposium. Some of whom did not claim to be
22 experts. I think there were a group of mothers who
23 had apparently lost children in wars or were in
24 support of President Trump or ex-President Trump. I
25 didn't understand why they were there. They were

24 (Pages 93 to 96)

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1   not experts in cyber security or computers, and then
2   there were people who alleged to be experts in
3   computers, in cyber security who I could tell, from
4   what they discussed on stage, they misused terms,
5   and I came to the conclusion that they didn't really
6   understand what they were talking about.
7   Q.   Do you recall who any of those alleged
8   experts were?
9   A.   I don't recall who specifically said what.
10   I know that Doug Frank was one of the people. Phil
11   Waldren. There were some others whose names I just
12   don't recall.
13   Q.   Have you ever met a Todd Sanders?
14   A.   Yes, I have.
15   Q.   Did you ever speak with him?
16   A.   I spoke with him briefly during my
17   arbitration. He was deposed, and then he testified,
18   but we also actually spoke casually during breaks,
19   and we were staying at the same hotel during the
20   arbitration, so we spoke a few times.
21   Q.   Do you recall if Mr. Sanders was one of
22   the alleged experts you saw at the cyber symposium?
23   A.   Not that I recall.
24   Q.   Have you ever heard of a Shawn Smith?
25   A.   That name came up, I think, at the

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1   hearing, but I don't know who that is.
2   Q.   And have you ever met Dennis Montgomery?
3   A.   No.
4   Q.   Have you ever met Colonel Waldren?
5   A.   I think he came into the cyber room to
6   make some of the announcements, but I didn't talk to
7   him, and I can't -- what I recall is somebody would
8   come in, make an announcement, something like we're
9   getting you the files or, you know, there's a reason
10   you can't -- we can't give you the files, and then
11   walk out. And somebody would say that was Phil
12   Waldren, but I just -- I didn't talk to him, and I
13   can't even confirm that that was him.
14   Q.   Do you recall if Phil Waldren was one of
15   the alleged cyber security experts that you saw
16   speak at the cyber symposium?
17   A.   I'm almost certain that he was one of the
18   people who spoke at the symposium. One thing that
19   was difficult about the symposium -- well, two
20   things. One, I was focused on the data, so I would
21   walk back, but also interesting thing is that
22   Mr. Lindell would bring speakers up to the stage
23   without introducing them, and I had to do some
24   sleuthing to find out who these people were.
25   I did find that on the -- on a streaming

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1   platform -- I found out sometime later, maybe day
2   two or three, that if you go to the streaming
3   platform, it was being streamed live, and there it
4   would have subtitles showing who was speaking. But
5   most of the time he would just say we've got a
6   panel. I'm going to let them speak. Nobody
7   introduced anyone. So I was never really sure who
8   was speaking, and there was no written agenda.
9   One of the things that frustrated me, at
10   my hearing, an agenda -- at my arbitration hearing,
11   an agenda showed up that was turned over in
12   discovery, but every day we got a sheet paper that
13   told when breakfast was -- I think it said
14   breakfast, lunch, and dinner, and in between it said
15   speakers to be announced.
16   Q.   Have you ever met Conan Hayes?
17   A.   No.
18   Q.   Had you -- did you see Conan Hayes speak
19   at the cyber symposium?
20   A.   I don't think so, but, again, because
21   speakers weren't announced, I never knew who was
22   speaking.
23   Q.   Do you know anything about Conan Hayes
24   other than what you told me as it relates to the
25   Dennis Montgomery files?

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1   A.   I know a little bit about him. So I
2   know -- I've written some articles, and I've been
3   doing research for my hearing and since my hearing
4   about the people involved. So I do know something
5   about Conan Hayes. I didn't know at the time,
6   though.
7   Q.   And what is your understanding now of
8   Conan Hayes?
9   A.   My understanding from my research and from
10   testimony at my hearing is that he started a -- a
11   chain of stores for surfers. I think was fashion
12   for surfers. I've looked into his background, could
13   find no evidence of any computer background
14   whatsoever, either experience or education, but I do
15   understand that Mr. Lindell, for some reason, has
16   relied on him to -- to take images of discs from
17   computers involved in -- with voting and also to vet
18   the data coming from Dennis Montgomery.
19   Q.   During your time at the cyber symposium,
20   did you talk to any other cyber security experts who
21   you knew by name?
22   A.   Yes, I knew them -- I found out their
23   names at the conference. I talked with Bill
24   Alderson.
25   Q.   Anyone else?

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1   A. I talked with Doug Gould, who became
2 Mr. Lindell's expert at my arbitration.
3   Q. Uh-huh.
4   A. I talked briefly with a gentleman whose
5 name I'm going to get wrong. Mr. Lindell always
6 gets it wrong. Harri --
7   Q. Hursti?
8   A. Hursti. Yes. Thank you. Harri Hursti.
9 I talked briefly with him. There were others I
10 talked to, but I don't recall their names.
11   Q. Do you recall your conversation with Bill
12 Anderson?
13   A. Yes.
14   Q. What did you talk about?
15   A. Well, we had mutual friends back in
16 California. He had worked for a company run by two
17 people who were very successful and are now
18 philanthropists. I know them both, one very well.
19 But also we talked about packets and networking, and
20 I'm sure you know that he has also claimed that the
21 data that Mike Lindell presented was bogus, that was
22 not related to the November 2020 election.
23   MR. BECK: Counsel, are we talking about
24 Anderson or Alderson?
25   THE WITNESS: Alderson, Bill Alderson.

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1   MR. BECK: Okay. There's a mistake then.
2   MS. LEVINE-PATTON: Q. Did Mr. Alderson
3 ever express to you that he believed the cyber
4 security data was illegitimate?
5   A. He said something about that.
6   MR. BECK: Objection; calls for hearsay.
7   THE WITNESS: He said something to that
8 effect. We've -- I should say we've talked since
9 the cyber symposium, and I know that he -- he's
10 given interviews where he said that the data -- the
11 word I've used is bogus. That the data presented by
12 Mr. Lindell at the symposium was bogus, not packet
13 data, and not related to the November 2020 election.
14   MS. LEVINE-PATTON: Q. Do you recall your
15 conversation with Doug Gould?
16   A. Yes. I had a conversation with him,
17 several at the symposium, and actually a few
18 informal conversations during the -- my arbitration.
19   Q. And what do you recall from those
20 conversations?
21   A. Well, Mr. Gould was sitting next to me at
22 the cyber symposium. I asked him where I could get
23 a copy of Wireshark. One thing I will say I was
24 unaware of is that I was used to using a tool
25 called -- I think it was EtherPeek, which was a tool

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1 for examining packets. What I didn't know was
2 EtherPeek, p-e-e-k -- I believe that's the name of
3 the tool -- later became named Wireshark. And so I
4 wasn't familiar with the name Wireshark. So I said,
5 well, where can I get this tool, and he told me
6 where I could download it.
7   We talked a bit about our backgrounds.
8 And then at the hearing we ran into each other a few
9 times at breakfast, and he said that he'd like to
10 get to know me better when this whole thing is over.
11   MS. LEVINE-PATTON: Q. Do you recall any
12 conversations with Harri Hursti?
13   A. Just a very brief one. I believe it was
14 Harri that I had talked to on day three. We had
15 given a note -- the cyber experts who remained on
16 day three, there were about maybe 20 left, 15 to 20.
17 We all gathered in one room, and we decided to give
18 a note to Mr. Lindell saying that we didn't
19 understand the data he had given us, and we didn't
20 have any PCAPs and that we'd like to get them or
21 discuss them with him.
22   It was a long discussion that day about --
23 everyone remaining said that there was no PCAP data
24 and nothing related to the 2020 election. But some
25 people thought that maybe Mr. Lindell wasn't aware

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1 of that or that he wasn't giving us the right data
2 for some reason that -- that we wanted him -- we
3 wanted him to understand the situation. Maybe he --
4 the thought was maybe he didn't understand the
5 situation. He's not a technical guy, so maybe he
6 thought we were given the right data and we weren't,
7 or maybe he could explain to us why we weren't given
8 the right data.
9   There were rumors of national security
10 concerns and hacking concerns. So we wrote up a
11 note, and we gave it to Doug Gould to give to
12 Mr. Lindell. And as I was leaving the symposium on
13 day three, I saw Harri Hursti, and I asked him -- I
14 believe it was him. I know I talked to Harri
15 Hursti, and I believe this is what we discussed. I
16 said, What happened to the note that Doug Gould was
17 to give to Lindell? And he said, Gould went to
18 Lindell. Lindell invited him up on stage to speak,
19 and Mr. Gould said that the experts were all
20 examining the data and we would need a few more
21 weeks at least to understand the data.
22   So Harri and I were both surprised, but
23 the symposium was ending and we just kind of
24 shrugged our shoulders and said that's that.
25   Q. Do you have any personal knowledge of

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1 whether anyone told Mr. Lindell that the cyber
2 security experts did not believe his data was real?
3   A. Well, I know Josh Merritt said that he
4 didn't believe they were real. From what I
5 understand, Josh told Mr. Lindell that the cyber
6 experts were upset -- well, I know this from Josh
7 Merritt's testimony at my hearing and my discussions
8 with him. He told Mr. Lindell the cyber experts
9 were really upset because they expected PCAP data
10 and they're not getting them.
11   But you probably know that Mr. Lindell
12 fired Josh Merritt and did some other things to hurt
13 his reputation, and -- but then we sent Doug Gould
14 with the note. I don't know if Doug Gould ever
15 presented that note to Mr. Lindell, but I assume he
16 did. Did that answer your question?
17   Q. Yeah, what else did you do, if anything,
18 on the third day of the cyber symposium?
19   A. Uhm, most of the day I spent listening,
20 eating the food, and listening to the talks. I
21 actually -- during the symposium, I met the editor
22 of the Iowa Standard, a newspaper. And we discussed
23 what was happening. We discussed the fact that the
24 experts were frustrated by not finding anything. I
25 know that he interviewed me for an article that

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1 appeared.
2   I also met some government
3 representatives. I think a state senator from
4 Missouri and some other people. We discussed
5 politics and culture, and I didn't -- I didn't do
6 much of anything thinking that the -- you know, I
7 lost the challenge because of these 509 files. It
8 was only late in the day that I realized that
9 because of the modification dates, because the files
10 had been modified so recently, that I could use that
11 to determine they were not related to the November
12 2020 election.
13   By the way, if I could say that the
14 note -- I may have a copy of what was in the note
15 that we -- I don't have it on me, but a copy of the
16 note that we gave to Doug Gould to give to
17 Mr. Lindell.
18   Q. We may ask your counsel to give that note
19 to us.
20   A. I don't know if they have it. I had -- I
21 had made extensive notes during the symposium, and I
22 believe I copied down -- well, I think I was the one
23 who wrote the note initially, and so I think I have
24 it on a -- like in a Word document, but then we
25 either printed it out or somebody handwrote it and

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1 gave it to Mr. Mr. Lindell. So I didn't give it to
2 him, but I think I crafted the wording with
3 everyone's input. We were all there saying what
4 should we put in this note.
5   Q. Got it. Did you eventually submit your
6 expert report about the files that you reviewed at
7 the cyber symposium to Lindell Management?
8   A. Yes, at the very end of the symposium.
9   Q. And did you ever hear from anyone about
10 your report?
11   A. Not until I started an arbitration against
12 Mr. Lindell.
13   Q. And when did you start an arbitration
14 against Mr. Lindell?
15   A. I believe that was in October of 2021.
16   Q. And why did you do that?
17   A. I felt that I had won the challenge, and
18 the rules said that they -- that Lindell Management
19 would determine a winner within two hours of the
20 symposium ending, and I waited about two weeks and
21 didn't hear anything.
22   Q. Are you aware that Dr. Douglas Frank, who
23 you mentioned earlier, wrote a report about your
24 expert report?
25   A. Yes.

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1   Q. I'd like you to turn to page 71 of
2 Exhibit 124, which is in front of you. Have you
3 seen this before?
4   A. Yes, this was given to me after I filed
5 the arbitration. In fact, it's dated
6 October 10th, which I believe was within a few
7 days after I filed the arbitration.
8   Q. Okay. This is titled Review of Zeidman
9 Report written on October 10, 2021. Have you
10 personally reviewed Dr. Frank's qualifications?
11   A. Yes.
12   Q. And do you think he's qualified to rebut
13 your expert report?
14   A. No.
15   Q. Why not?
16   A. I've looked into his background, and I had
17 difficulty finding any scientific or engineering
18 work he'd done. Eventually, he turned over a list
19 of papers, maybe a dozen papers, that he had written
20 or co-written. I was able to verify at least some
21 of them by finding them online. But they were
22 written something like 30 or more years ago, and
23 they are in the area of physics. I have a degree in
24 physics. I understand physics better than most
25 people.

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1   I don't dispute his qualifications as a
2 physicist, but I know that the -- the skills to
3 examine computer software and packet data and
4 network equipment is completely different, and I
5 couldn't find anything of that nature in his
6 background or experience or education. Actually, I
7 have to say, as I recall, I never found anything
8 about his education. So I'm not sure even what his
9 education is.
10   Q. Dr. Frank writes about a canary trap in
11 his review of your report. Do you know what a
12 canary trap is?
13   A. Yes.
14   Q. What is that?
15   A. A canary trap is used to isolate a leak of
16 sensitive information, and the way it's done is
17 different parties are given different information,
18 all of which is fake because you know that that
19 information is going to be leaked. So if you -- you
20 know, however many parties you have, they all get
21 somewhat different information. It may not be
22 completely different, but there's at least one fact
23 that is different among all the parties, and then
24 when the information leaks, you look at that one
25 fact that was unique and that tells you who among

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1 the suspects leaked the data.
2   Q. Did you believe that any of the files that
3 you viewed at the cyber symposium were canary traps?
4   A. No, it makes no sense because every single
5 expert got the same copy. We made each other's
6 copies. So you could not use a canary trap to track
7 any leaks, and also we were told that this was
8 legitimate data and the canary trap doesn't give out
9 legitimate data. It gives out fake data because you
10 know it's going to be leaked.
11   Q. Who told you that you were being given
12 legitimate data?
13   A. Well, I can say that we were never told
14 otherwise until I filed my arbitration.
15   MS. LEVINE-PATTON: I'd like to take a
16 break.
17   VIDEOGRAPHER: We are off the record.
18 12:32 p.m.
19   (The deposition was in recess from 12:32
20   to 1:10.)
21   VIDEOGRAPHER: We are back on the record.
22 1:10 p.m.
23   MS. LEVINE-PATTON: Mr. Zeidman, we're now
24 introducing what's going to be marked as
25 Exhibit 325.

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1   (EXHIBIT 325 WAS MARKED FOR
2   IDENTIFICATION.)
3   MS. LEVINE-PATTON: Q. This is the final
4 arbitration award in your case against Mike Lindell.
5   Have you seen this before?
6   A. Yes, I have.
7   Q. I'd like you to go to page six of this
8 document. The first paragraph says, "Thus, the
9 rules provided that to win the contest, a
10 participant must prove that the data Lindell
11 provides and represents reflects information from
12 the November 2020 election unequivocally does not
13 reflect information related to the November 2020
14 election."
15   Do you see that?
16   A. Yes.
17   Q. Did you prove that the data unequivocally
18 did not reflect information related to the 2020
19 election?
20   A. Yes, I did.
21   Q. Please look at page 15 of this document.
22 In the middle of the page it says analysis of the
23 data. Are you aware that the arbitrators went
24 through each of the files that you and I discussed
25 earlier and found that you met the requirement of

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1 winning the Prove the Mike -- Prove Mike Wrong
2 Challenge?
3   A. Yes, they went through each of the 11
4 files, not the 509 other files.
5   Q. And are you aware that the arbitrators
6 found that none of the 11 files you reviewed were
7 related to the November 2020 election?
8   A. Yes, I am.
9   Q. I'd like to go to the last page of this
10 document. No. 1 says, "Robert Zeidman's claim
11 against Lindell Management LLC for breach of
12 contract is granted. Accordingly, within 30 days of
13 issuance of this award, Lindell Management LLC shall
14 pay $5 million to Robert Zeidman."
15   Do you see that?
16   A. Yes.
17   Q. And this is dated April 19, 2023; is that
18 correct?
19   A. Yes.
20   Q. Did Mr. Lindell pay you $5 million?
21   A. No.
22   Q. Do you know why not?
23   A. I know that he has filed an appeal of this
24 arbitration award.
25   Q. Have you done anything further to collect

28 (Pages 109 to 112)

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1   your $5 million reward?
2   A. My lawyers have filed a motion to enforce
3   the award and to have Mr. Lindell's appeal
4   dismissed.
5   Q. Do you consider yourself politically
6   active?
7   A. Yes.
8   Q. Do you consider yourself politically
9   conservative?
10   A. Yes.
11   Q. If the election were stolen in the way
12   that Mr. Lindell has claimed through electronic
13   voting machines, do you think that would have been
14   detected?
15   MR. BECK: Object to the form.
16   THE WITNESS: I think, and I've written
17   about this, that most likely it would have been
18   detected, yes.
19   MS. LEVINE-PATTON: Q. Why?
20   A. Because there are a number of factors.
21   It's very hard to hide this kind of thing. If it
22   was done purposely within a voting machine, for
23   example, that would require everyone who worked on
24   the development of the software to be quiet about
25   what had happened.

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1   Also, if the machines were transmitting
2   over the Internet -- I've compared this to the
3   discovery of the Stuxnet virus, which was a computer
4   virus that was released some years ago in Iran. I
5   don't know if you want me to go into the details,
6   but I've written about this. That it was the most
7   sophisticated malware computer virus ever devised,
8   probably was devised as a joint effort between the
9   United States and Israel. It was located in one of
10   the least accessible parts of the Internet that's
11   within the country of Iran that controls its data
12   going in and out, and yet within a matter of months
13   it was detected, isolated, and analyzed.
14   And so I've stated that if such
15   communications or hacking were taking place in the
16   United States, one of the most -- well, probably the
17   most open society in the world, the most Internet
18   connected society, the most tech savvy society, that
19   it definitely would have been detected by now.
20   When -- I can say that I thought that
21   perhaps Mr. Lindell or his team had actually
22   detected it. So I thought if it occurred, then --
23   and somebody would have detected it, maybe
24   Mr. Lindell had that proof, but I've determined that
25   he didn't.

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1   MS. LEVINE-PATTON: I don't have any
2   further questions.
3   EXAMINATION BY MR. BECK
4   MR. BECK: Q. Mr. Zeidman, I want to
5   clear up a few things, and we meet again. It's good
6   to see you.
7   You said earlier that you did not know who
8   the experts were who had validated Mr. Lindell's
9   data. Do you remember saying that?
10   A. When I first learned of the data, yes.
11   Q. Great. But you did walk through a few
12   names. I'm going to get into those. As a
13   preliminary matter, though, is it your understanding
14   that Mr. Lindell believed he had validated the data?
15   MS. LEVINE-PATTON: Objection;
16   speculation.
17   THE WITNESS: That was my understanding
18   from his statements.
19   MR. BECK: Q. Okay. And, in fact, you
20   saw Mr. Lindell testify at your arbitration hearing;
21   is that right?
22   A. Correct.
23   Q. He's hard to miss.
24   A. Yes.
25   Q. You would agree. He stated in there that

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1   he absolutely believed that the data showed fraud;
2   is that right?
3   A. That's what he stated, yes.
4   Q. Yeah, in fact, his exact words were I
5   don't need to prove it's true. I know it's true.
6   Do you remember him saying that?
7   A. That sounds familiar, but I can't say for
8   sure.
9   Q. Okay. You mentioned Dennis Montgomery.
10   Now, without getting into the background of
11   Mr. Montgomery, let me ask do you know what Dennis
12   Montgomery told Mike Lindell about the data in
13   question?
14   A. Not specifically, no.
15   Q. Do you know whether or not Mr. Montgomery
16   told Mr. Lindell that the data were, in fact,
17   accurate?
18   A. I believe that's what Mr. Lindell
19   testified. So that's my understanding.
20   Q. You have no reason to think that's not
21   true?
22   A. No. I don't have any firsthand knowledge
23   either way.
24   Q. You testified earlier in response to
25   counsel's questions about some of the qualifications

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1   of the people involved here. Let me ask
2   specifically about Mr. Montgomery. Do you have any
3   reason to think that he is not qualified to evaluate
4   the data in question?
5   A. Well, I've read about Mr. Montgomery, and
6   I have concerns about his ability to analyze data.
7   Q. Are those concerns based on his personal
8   background or his actual technical expertise or some
9   combination thereof?
10   A. I'd say combination. I haven't been able
11   to track down his technical background other than
12   reports from him directly.
13   Q. Okay. So the answer really is I don't
14   know, correct?
15   A. I'd say that's correct.
16   Q. All right. Now, regarding Conan Hayes,
17   you did testify about him a bit. First off, do you
18   know if Conan Hayes validated the data in question?
19   A. I believe there was testimony from
20   Mr. Lindell and perhaps others at my arbitration
21   that Conan Hayes validated the data.
22   Q. And what did -- if you know, what did
23   Conan Hayes tell Mike Lindell about the data?
24   A. I don't know specifically.
25   Q. Okay. So if I were to tell you that Conan

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1   Hayes told Mike Lindell the data are accurate, would
2   you have any reason or ability to dispute that?
3   MS. LEVINE-PATTON: Objection; hearsay.
4   THE WITNESS: No, I don't.
5   MR. BECK: Q. Okay. You said you
6   researched Conan Hayes's background. Does that mean
7   internet research, that sort of thing?
8   A. It was Internet research, but also there
9   was -- I had discussions with people who had some
10   knowledge of Conan Hayes. I don't recall if they
11   had direct contact with him.
12   Q. Well, your testimony this morning, and I
13   was writing this down as it came through on the
14   realtime, said you could find no evidence of any
15   computer background whatsoever. That was the quote.
16   Do you remember saying that?
17   A. Yes.
18   Q. Okay. This may be splitting a hair here,
19   but I'm just going to ask you do you know -- do you
20   find any evidence that he does not have computer
21   background?
22   A. No.
23   Q. Okay. Are you aware of the validation
24   work that he did, if any, on this data that we're
25   talking about?

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1   A. The only knowledge I have is from
2   testimony from Mr. Lindell and perhaps others at my
3   arbitration.
4   Q. All right. Same question about Phil
5   Waldren. I think we're calling him Colonel Waldren.
6   What did he tell Mike Lindell, if you know, about
7   the data in question?
8   MS. LEVINE-PATTON: Objection; hearsay.
9   THE WITNESS: I don't know.
10   MR. BECK: Q. Okay. Do you know if
11   Mr. or Colonel Waldren told Mr. Lindell that the
12   data were, in fact, accurate?
13   A. I -- again, only from testimony. I think
14   Mr. Lindell may have testified about that or others,
15   but I don't know directly.
16   Q. You don't have any direct knowledge?
17   A. That's correct.
18   Q. Okay. So if Mike Lindell said -- let's
19   just assume that Phil Waldren told him the data were
20   accurate, you'd have no ability to dispute that,
21   correct?
22   MS. LEVINE-PATTON: Object to form.
23   THE WITNESS: I can't dispute that, no.
24   Not directly.
25   MR. BECK: Q. You testified -- and,

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1   again, I wrote this down regarding Dennis
2   Montgomery. I have no firsthand knowledge of how
3   Mr. Lindell received these files, close quote.
4   Do you remember saying that?
5   A. I believe so, yes.
6   Q. Okay. And by these files, I think we're
7   referring to the data that we're talking about in
8   the cyber symposium challenge. So do you have any
9   firsthand knowledge, direct knowledge of the origins
10   of the data that Mr. Montgomery gave to Mr. Lindell?
11   A. No.
12   Q. Okay. You testified -- and this is,
13   again, a quote. Maybe he -- meaning Mike Lindell,
14   Maybe he thought we were given the right data, close
15   quote. Remember saying that?
16   A. I said that was a general thought among
17   some of the cyber experts.
18   Q. Well, it was a general thought because he
19   was saying it over and over again, correct?
20   A. Could you repeat what the quote was?
21   Q. Maybe he thought we were given the right
22   data.
23   A. Oh, because he was saying over and over
24   again that we were given the right data?
25   Q. Yes.

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1   A. Uhm, he was definitely saying that, but we
2   didn't know what he believed.
3   Q. Do you have any reason to think that he
4   did not believe that the data were accurate?
5   MS. LEVINE-PATTON: Objection;
6   speculation.
7   THE WITNESS: Well, I don't know except
8   that so many people were telling him at that point
9   that I would think he would heed their remarks.
10   MR. BECK: Q. Who exactly told him
11   something to the contrary?
12   A. Well, I know that Josh Merritt told him.
13   Q. Okay. Anyone else?
14   A. Well, Doug Gould was supposed to give this
15   note that represented a consensus of the experts. I
16   don't know if Mr. Lindell received that note.
17   Q. You testified earlier that he did not
18   receive that note, didn't you?
19   A. I don't know. I asked Harri Hursti
20   whether Doug Gould gave him that note and he didn't
21   know.
22   Q. Okay. So when you say that Mr. Lindell
23   should have known because people are telling him, we
24   have that note, which may or may not have been
25   delivered, and we have Josh Merritt. Anybody else?

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1   A. Well, I know that -- my understanding is
2   that Josh relayed the information from the cyber
3   experts to Mr. Lindell. Again, I heard this from
4   Josh. I don't know firsthand, but we were all
5   complaining that we hadn't gotten the PCAP data or
6   data that we expected.
7   Q. I understand. I understand. Now, just to
8   revisit what you just said. You know that
9   Mr. Lindell was told something because Josh Merritt
10   said it; is that right? So this is secondhand?
11   A. Right. Although, I do know from the
12   arbitration that he heard all the testimony from me,
13   from Josh Merritt, and received my report and heard
14   about the complaints, at least from me, from the
15   cyber experts.
16   Q. But the arbitration hearing was this year,
17   correct?
18   A. Yes.
19   Q. It was.
20   A. Yes.
21   Q. It was January of this year?
22   A. Right.
23   Q. All right. So that's well after the cyber
24   symposium. Agreed?
25   A. That's correct.

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1   Q. Okay. And well after the statements that
2   are the basis of this lawsuit, correct?
3   A. I don't know what this lawsuit covers,
4   what time period it covers.
5   MR. BECK: Okay. That's all I have.
6   Thank you.
7   MS. LEVINE-PATTON: I don't have anything
8   further.
9   VIDEOGRAPHER: This concludes today's
10   deposition of Robert Zeidman. We are off the record
11   at 1:24 p.m.
12   THE REPORTER: Did you want to order a
13   copy of transcript?
14   MR. BECK: We do.
15   (The deposition was concluded at 1:24
16   p.m.)
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1   STATE OF_____)
) ss.
2   COUNTY OF_____)
3
4   I, the undersigned, declare under penalty
5   Of perjury that I have read the foregoing
6   transcript, and I have made any corrections,
7   additions or deletions that I was desirous of
8   making; that the foregoing is a true and correct
9   transcript of my testimony contained therein.
10   EXECUTED this _____ day of _____,
11   _____, at _____, _____.
12   (City)   (State)
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            _____
            ROBERT ZEIDMAN
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ROBERT ZEIDMAN
SMARTMATIC, ET AL. V. LINDELL, ET AL.

August 16, 2023

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 1                 CERTIFICATE
 2
 3         I, the undersigned, a Certified Shorthand
 4     Reporter, State of California, hereby certify that
 5     the witness in the foregoing deposition was by me
 6     first duly sworn to testify to the truth, the whole
 7     truth, and nothing but the truth in the
 8     within-entitled cause; that said deposition was
 9     taken remotely; that the testimony of the said
10     witness was reported by me, a disinterested person,
11     and was thereafter transcribed under my direction
12     into typewriting; that the foregoing is a full,
13     complete, and true record of said testimony; and
14     that the witness was given an opportunity to read it
15     and, if necessary, correct said deposition and to
16     subscribe the same.
17         I further certify that I am not of counsel
18     or attorney for either or any of the parties in the
19     foregoing deposition and caption named, nor in any
20     way interested in the outcome of the cause named in
21     said caption.
22         Executed this 17th day of August, 2023.
23
24
25             LAURA AXELSEN, C.S.R. 6173
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